

GAMBLING COMMISSION

licensing authority bulletin

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Providing up-to-date information and guidance on gambling licensing issues



Join our LinkedIn group *Licensing officers and licensing authorities*. It is aimed at helping licensing officers understand the key role LAs play in gambling regulation in Great Britain.

News

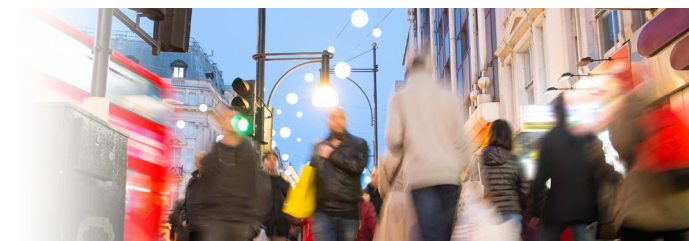
Arcade premises licence reviewed

A large seaside adult gaming centre has had its *licence reviewed by East Lindsey District Council* after two failed test purchase exercises.

A 16 year old was able to play an age-restricted machine on both occasions without any challenge from staff. The premises had been warned after the first failure and given an opportunity to address the problem. Conditions were placed on the licence including implementing a Think 21 policy, having a refusal log, CCTV training for staff and undergoing regular test operations for the next 12 months.

The premises owner said "I am glad we failed in a way, we needed a wake-up call to look at it again and make things better. Now we know we were not monitoring properly, but it has changed now. What we have now put in place will make the difference going forward."





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Warning to pubs

Publicans in Scotland are being reminded that they are breaking the law if they allow their pubs to be used for betting or provide facilities enabling betting.

This warning follows a multi-agency exercise undertaken by the Gambling Commission with officers from Police Scotland and colleagues from Aberdeenshire licensing authorities.

The exercise involved awareness raising visits to several pubs in north-east Scotland to highlight the requirements of the Gambling Act.

Helen Venn, Gambling Commission programme director, said: "We want to remind publicans and other business operators that they should not be allowing their premises to be used for betting or providing facilities for betting. Individuals who facilitate illegal betting risk possible imprisonment and/or a significant fine.

"We are committed to developing effective co-regulation of the gambling sector across Britain with all of our partners, ensuring fair and open gambling, preventing criminal activity in connection with gambling and protecting children and the vulnerable."

Last week's exercise followed an operation involving **Police Scotland and licensing authority staff** in November 2015 which was the first multi-agency operation of this sort since the establishment of Police Scotland in April 2013.

The exercises followed the publication an updated advice note in November 2015 which **clarified the role of authorised persons** when undertaking compliance and enforcement activity around gambling licensing premises.

The Commission's **Quick Guide Facilitating betting in pubs and clubs is illegal** covers the penalties linked to illegal betting. The guide also includes Frequently Asked Questions to demonstrate what is, and isn't, permissible under the Gambling Act.



Lessons to be learned from money laundering failures at Caesars' casinos

An international casino operator has agreed to improve their anti-money laundering processes, share lessons with the wider industry, and spend £845,000 on socially responsible purposes after **failing to do enough to prevent money laundering**.

The failures occurred at two of Caesars' casinos in London - the Playboy Club London and the Empire Casino, some of the weakness identified included failure to:

- appropriately assess customer risk
- demonstrate appropriate levels of ongoing monitoring
- undertake appropriately rigorous due diligence checks, instead over-relying on negative information, such as no trace results from third party and open source information
- obtain adequate information with regard to customers' source of funds or source of wealth
- undertake appropriate due diligence checks on customers of other overseas Caesars Group companies.

Ipsos MORI to conduct study of problem gambling in licensed bingo premises

The Responsible Gambling Trust (RGT) has commissioned Ipsos MORI to conduct a study of the nature and extent of problem gambling behaviour in licensed bingo retail operations in Great Britain.



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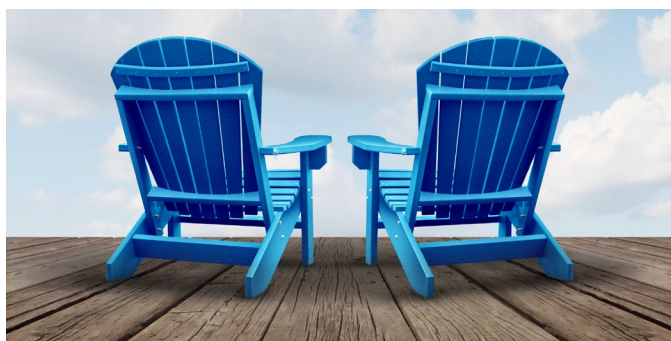
RGT opened a competitive tender in June 2015 to find researchers able to complete a review of existing evidence, develop a method of identifying any problem gambling behaviour in licensed bingo premises and to collect data on problem behaviour. A partnership between the Ipsos MORI Social Research Institute and independent social researcher Heather Wardle have now been commissioned to undertake this project.

RGT and The Bingo Association will facilitate participation of licensed bingo retail operators to provide data and practical support to the research programme. Work on the project is already underway and a final report is expected in Spring 2016.

Annual seaside summit

We are holding our annual meeting with LAs with coastal/seaside resorts on Tuesday 1 March at our offices in Birmingham and looking to build on the success of previous years' meetings.

Please contact info@gamblingcommission.gov.uk if you haven't already received your invitation.



Six monthly meeting with London Boroughs

Our next 6 monthly meeting with London Boroughs' licensing officers and police colleagues is taking place on 14 March at Camden Town Hall.

Please contact info@gamblingcommission.gov.uk if you haven't already received your invitation.



Consultation

Controlling where gaming machines may be played – closing date extended

Stakeholders and members of the public are being invited to have their say in a [consultation about where gaming machines can be played](#).

We consider that the current licence conditions and codes of practice and the accompanying guidance to licensing authorities need to be revised in order to ensure that the following underlying policy objectives which seek to minimise gambling related harm are achieved:

- with very few low-risk exceptions¹ gambling should be confined to dedicated gambling premises ie casino, betting or bingo premises
- distinctions between different types of licensed gambling premises are maintained
- gambling activities are supervised appropriately
- within bingo, betting and casino premises gaming machines must only be made available in combination with the non-remote gambling facilities² named on the operating licence.

The consultation sets out why this area remains a policy priority for the Commission and also proposes how we feel we can embed the above policy objectives consistently across the industry whilst ensuring that regulation remains proportionate to the risks to the licensing objectives.

The consultation closing date has now been extended until 21 March 2016.

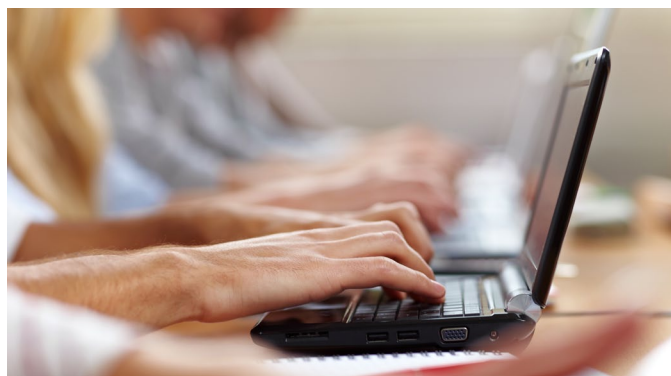
¹ Low risk exceptions would include pubs and clubs

² It is not necessarily the case that machine and other gambling be offered simultaneously, for example in a bingo premises, games will be offered at various times of the day during opening hours.



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Case studies

Multiple appeals for refused gambling application and “abuse of process”

The outcome of a recent appeal from March 2015 in Kirkwall Sheriff Court illustrates wider procedural and legal issues which may be of interest to licensing authorities across the country.

The case was lodged by an applicant against the refusal by the Orkney Islands Area Licensing Board of a new premises licence under the Gambling Act 2005 (the Act) for a new betting shop in Kirkwall.

The appeal case was unusual in that it was the subject of multiple appeals and was partially decided on the rarely used argument of abuse of process which is believed to have been used for the first time in a licensing case in Scotland.

On 14 January 2014, MAB Bookmakers lodged an application for a premises licence under the Act for a new betting shop in Kirkwall in the Orkney Islands. The Orkney Islands Area Licensing Board (which is the licensing authority under the Act) rejected the application at a hearing on 20 March 2014.

The application had received considerable opposition and the Board refused the application on the grounds that the application would not be reasonably consistent with the one of the licensing objectives, protecting the vulnerable, and with the Board’s own gambling policy.

The applicant appealed primarily on the basis of the lack of adequate reasons for the original refusal. Whilst this appeal was being dealt with the applicant lodged a second application for the same premises which generated even more opposition.

The Board then refused this application while the original appeal was still pending and this refusal was then also appealed by the applicant.

This meant there were now two appeals pending before the court, effectively relating to the same premises and addressing similar issues, albeit that the reasoning in the second decision reached by the Board was more extensive than the first. In particular, the second decision highlighted specific concerns over the layout and supervision of the premises.

Given these developments, lawyers acting for the Board cited an abuse of process point in that the applicant was insisting on the first appeal being decided. It was argued that only the second appeal should be determined given that it was based on the most up to date set of facts and featured the even greater levels of objection to the application.

After further consideration of case law and legal argument, the court accepted the abuse of process argument and dismissed the first appeal saying that it was “not reasonable that the pursuers (MAB Bookmakers) use the court process to keep several options open to them towards an indeterminate likelihood of success.”

Following the dismissal of the first appeal, MAB Bookmakers did not lodge a further appeal of the decision to the Court of Session and also then withdrew the second appeal.

It is worth noting that there are currently no licensed betting shops in Orkney which has been the case for a number of years.



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Westminster City Council refusal of a new betting shop and review of an existing betting shop in the Harrow Road

Westminster City Council received an application for a new betting premises licence from Betfred for 351 Harrow Road, which used to be the Prince of Wales pub.

This area of Harrow Road has a large number of hostels, support services and care facilities for those with drug, alcohol and mental health problems. The hostels in the area have a large number of spaces for the homeless. The area is also known to have issues with street drinking, aggressive begging and drug dealing.

Betfred's application was opposed by the LA, police, 4 ward councillors, 1 business and 68 local residents.

Betfred engaged with local resident representatives, the police and LA, however, those making the representations felt that the area was not suitable and that the operation of Betfred's premises would have led to similar issues that were present in and outside a nearby William Hill's premises.

One of the main points that arose from the representations and from historical interactions with gambling premises in the area was that the nearby William Hill was seen as a focal point for a street drinking directly outside the shop and within it.

There were also allegations that the premises were being used by drug dealers who were customers of the premises and that stolen goods were being sold to customers inside and outside the shop.

As a result the LA began an investigation into the history of these premises and the issues identified by local residents. It was identified that these premises had the same allegations and issues going back over a significant period. During that time there had been engagement with the premises management and staff. However, both the police and LA had no confidence that William Hill had taken the concerns on board and that the issues raised with them would be addressed.



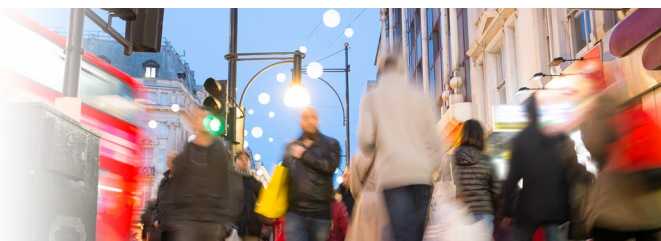
The Council's Licensing Sub-Committee held a hearing on the **1 July 2015** where the new application for Betfred, 351 Harrow Road was heard, with evidence given by a number of residents, the police, LA and the applicant.

The Sub-Committee decided to refuse the application, stating that "the granting of this application for a new betting shop at such a highly sensitive location would be likely to result in crime and disorder that is associated with betting but was particularly concerned that it would also increase the risk that vulnerable people in the area would be harmed or exploited by gambling".

On the 20 July 2015 a review application was made by the LA using its powers under section 201 of the Act of William Hill's, 357 Harrow Road premises licence.

The review was lodged on the grounds that:

- the premises had breached conditions attached to the premises licence by permitting alcohol onto the premises
- the premises was associated with crime and disorder, in that the premises was used by persons who were drunk, under the influence of alcohol or on drugs, and in that drug dealing and the sale of stolen goods had taken place on the premises



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- that the premises was further associated with crime and disorder, in particular in that groups of people under the influence of drugs or alcohol frequently congregated outside the premises and abused and threatened other members of the public and local residents
- that there was a risk that vulnerable people may be harmed by using the premises for gambling due to their impaired judgement through alcohol or drugs.

Observations by council officers and CCTV recordings were made throughout the 28 day consultation period and also prior to the hearing of the review applications. During these times customers were observed under the influence of alcohol and alcohol being consumed on the premises.

The CCTV footage obtained from the council CCTV camera opposite the premises also identified what appeared to be drug dealing by William Hill customers and others outside the premises; groups congregating outside the premises, which included William Hill customers drinking alcohol; customers concealing alcohol on their person and entering the premises, possible stolen goods being exchanged with and by William Hill customers.

The review application was supported by the police and 50 local residents. A large number of these local residents had previously opposed the Betfred application.

William Hill provided submissions and also met with the LA and the police. William Hill put a number of measures in place following the review including:

- the replacement of all of the staff at these premises
- an upgraded CCTV system including CCTV cameras outside the premises
- a monitor within the staff counter area to observe the CCTV footage and the outside of the premises
- the removal of one of the advertising boards from the window to provide a better view of the outside.

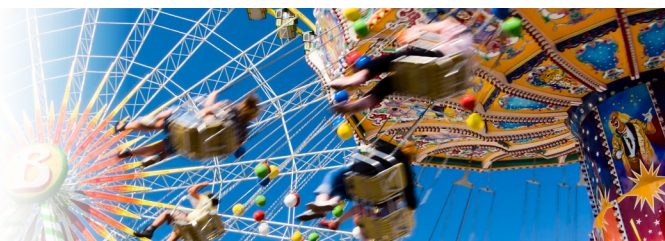
All of the submissions and evidence was included in the report bundle prepared by the LA for the hearing, including some conditions, which if the Licensing Sub-Committee decided to allow the premises to continue to operate, may address its concerns and issues.

Prior to the Licensing Sub-Committee hearing on the 9 November 2015 William Hill, represented by Philip Kolvin QC began discussions relating to these conditions. A slightly amended version of these conditions was agreed by William Hill, the LA and police licensing officers.

However, it was made clear during the hearing that although the LA and police had agreed a set of conditions it was still up to the Licensing Sub-Committee to determine what was appropriate in relation to this appeal following hearing the evidence from residents.

After a full day's hearing the Sub-Committee stated that they had considered revocation of the premises licence, but there had been evidence that there had been some improvement in the situation. William Hill had taken steps to address the issues raised with them as part of this review process.

The Licensing Sub-Committee determined to allow William Hill's premises licence to remain in effect subject to the comprehensive list of conditions agreed by the LA, police and applicant but subject to modifications.



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They also warned William Hill that if there were any breaches of these conditions then there was the potential for a further review of the premises licence.

In total 31 conditions were attached the licence. These included the removal of an additional advertising panel from the window, double staffing at all times and an SIA licensed security officer at the premises 7 days a week from midday to the close of business. Further details are available in the Sub-Committee [report and decision](#).

Betfred appealed the decision of the Licensing Sub-Committee to refuse their application for a new betting premises licence. However, this appeal was withdrawn in early November 2015. William Hill has been operating with their new conditions since December 2015.

LAs are encouraged to send case studies for inclusion in future bulletins. Please supply details to info@gamblingcommission.gov.uk

Advice and guidance

New quick guide – gaming machines in pubs

We have produced a [quick guide for premises owners about gaming machine entitlements](#) and responsibilities for alcohol licensed premises.

Reminder: machines in adult gaming centres (AGC) and bingo premises

We are aware of some statements of licensing policy still quoting incorrect machine entitlements for bingo and AGCs, despite the recent reviews and consultations held.

LAs are reminded that since the 1 April 2014 the maximum permitted number of B3 and B4 gaming machines sited on a premises has been limited to 20% of the total number of gaming machines made available for use.

Any AGC or bingo premises licences which were granted before 13 July 2011 are not affected by this change.



The Department for Culture Media and Sport (DCMS) first announced these changes in [July 2011](#), and we have shared various reminders, especially in the lead up to April 2014. This information is also reflected in [Guidance to Licensing Authorities](#) (GLA).

Premises licence fees

LAs are reminded that the maximum fees are set out in [The Gambling \(Premises Licensing Fees\) \(England and Wales\) Regulations 2007](#), and these cannot be exceeded when LAs are undertaking their annual review of fees. Premises fees in [Scotland](#) are centrally set.

Authorities in England and Wales are also reminded that the Act specifically states that LAs shall "...aim to ensure that the income from fees as nearly as possible equates to the costs of providing the service to which the fees relates" (Gambling Act 2005 Section 212(2) (d)).

DCMS guidance to LAs on setting premises licence fees therefore states that:

"Licensing authorities should therefore review and publish their fees annually to ensure that the income from the premises licence fees in any one accounting period (ie in any full financial year) does not exceed the full costs incurred by the authority in carrying out the relevant functions."

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The DCMS fee guidance, which is available on the LGA's knowledge hub, also states the annual fee will cover the reasonable costs of compliance and enforcement work, including the cost of dealing with illegal gambling in a licensing authority's area.

Fee setting must be transparent and a licensing authority should closely track its costs and be able to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

As a matter of good practice and better regulation we would encourage LAs to publish their fees on the licensing section of their websites.

Gambling training modules for LAs

We have a number of refresher modules for licensing officers on topics which Compliance Managers can deliver at regional/IOL licensing meetings. These have been recently updated to reflect the changes in GLA5, new case studies and materials. Modules available are:

- Illegal betting in pubs
- Poker in pubs
- Small society lotteries
- Club gaming and club machine permits
- Test purchasing in England and Wales
- Gaming machines.

If you are interested in receiving such training, please contact your Compliance Manager.

Case studies, templates and case law

To assist LAs with their responsibilities under the Act, we have updated and expanded the LA [compliance and enforcement information](#) on the website.

In addition to [case law](#) that we consider would be of assistance to licensing authorities in the interpretation and application of the Act, we have a range of [case studies](#) exemplifying how some LAs have made effective use of their powers when regulating gambling locally including illegal betting, illegal poker, illegal machines and under age sales along with details of schemes such as Gamblewatch and Betwatch.

[Example letter templates](#) are also available, which LAs may wish to use when dealing with issues such as illegal machines, poker or betting in pubs.

We also have compiled a [list of sample conditions](#) that LA have attached to premises licences. These are provided for illustrative purposes only and are to exemplify the sorts of conditions a licensing authority may wish to think about when addressing similar evidence-based concerns within a local area.

[Examples of non-complex category D](#) gaming machines and information about how they should be correctly labelled as category D non-complex crane grab machines is also available in this section of the website.





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Licensing authority inspection outcome letters and inspection guidance

In 2013, we worked together with the Leicester, Leicestershire and Rutland Licensing Forum and the Leicester and Leicestershire Enterprise Partnership (LLEP) to create templates for assessments at gambling premises. The templates included reference to the social responsibility code provisions issued by the Commission under s153 of the Act.

We also jointly created a suite of letters to assist LAs in communicating the assessment outcome to operators. These documents have just been updated to reflect the new social responsibility codes that came into force in May 2015. You can find the [assessment templates at the LLEP website](#).

Information sharing

Geofutures research exploring area vulnerability to gambling related harm - phase 2 launch

In July last year Geofutures, Manchester and Westminster City Councils launched the first phase results of its research project which sought to identify who is vulnerable to gambling related harm.

The second phase of the research, the methodology and the outputs from this piece of work will be presented on 9 February at Local Government House, London by Heather Wardle, Gaynor Astbury and Mark Thurstain-Goodwin from Geofutures. [Register for this free event](#).

LA survey about society lotteries – thanks to respondents

We have been asked by the DCMS to provide advice on the Culture Media and Sport Select Committee recommendations on the society lottery market.



As part of this advice we sought to gather views from LAs about some of the proposed changes and what impact they may have upon the work you currently undertake in this area. During November we circulated a survey and received almost 100 responses, so we'd like to say a big thank you to everyone who shared their views with us.

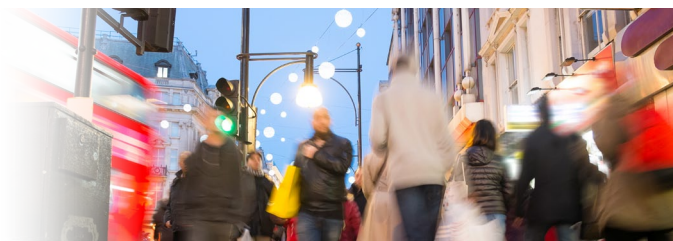
Using the data we are able to estimate the total number of societies registered nationally with LAs as between 50,000 and 60,000, as well as the proportion of this group which are registered charities.

In terms of the more detailed questions within the survey, your responses have been very informative and have proved a vital evidence link in our forthcoming advice to DCMS. When it's possible, we will share the high level results.

DCMS Evaluation of (Gaming Machine Circumstances of Use) (Amendment) Regulations 2015

The policy objective of these Regulations was to assist people who use sub-category B2 gaming machines (FOBTs) to stay in control of their gambling behaviour by requiring that those accessing higher stakes (over £50) load cash via staff interaction or use account based play.

DCMS' report indicates that take up of loyalty accounts has been low, despite marketing campaigns, yet the reduction in stakes over £50 has been larger than was estimated in the pre-implementation impact assessment.



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Scottish Parliament FOBTs inquiry update

The Scottish Parliament published its [report on FOBTs](#) in December, calling for increased powers for the Scottish Parliament over gambling and specifically FOBT numbers.

However, following two submissions from the Commission the report also supported Licensing Standards Officers becoming “authorised persons” under the Act and significantly also called on LAs to better use their existing gambling powers:

“97. In relation to using powers to inspect licences, we are disappointed no progress has been made in amending the Gambling Act 2005 to enable licensing standards officers in Scotland to gain entry and inspect licensing premises... In particular, the Committee notes the alternative solution proposed by the Gambling Commission and calls on local authorities and COSLA to work together to ensure licensing boards make use of it.”

National Lottery’s contribution to sport, culture, charities and National Heritage

A [House of Lords report](#) states that the National Lottery has raised over £34billion for good causes since it was introduced in 1994 including:

- Charitable (including health, education and environment): 255,706 grants, totalling £12billion
- Heritage: 29,380 grants, at a total value of £6.7billion
- Arts: 98,359 grants, totalling £4.7billion
- Sport: 78,200 grants, at a total value of £5.5billion

New website to focus on corruption in sport

A website aimed at tackling betting-related corruption in sport has been launched.

The [Sports Betting Integrity Forum website](#) will form the hub of the Forum’s strategy to address the risks associated with match-fixing to help preserve and protect sports betting integrity in the UK.

It features a range of best practice products and resources - including examples of education programmes and prevention strategies, models of best practice and case studies and relevant research and reports.

Reference materials

FAQ of the month

This month’s featured frequently asked question is:

[With the exception of tracks, can a premises licence be issued to an applicant who does not hold an operating licence?](#)

No, if the applicant does not hold a valid operating licence authorising them to provide specific facilities for gambling then they can not be issued with a premises licence. The applicant may apply for both types of licence concurrently, but the premises licence may not be issued ahead of the operating licence.

The [FAQ section](#) hosts a range of questions on different topics including [gaming machines](#), [poker](#), [lotteries](#), [betting](#), [bingo](#) and [casinos](#). There are FAQs about the [size of the gambling market](#), information about [problem gambling](#) and [online gaming](#). LAs are encouraged to signpost applicants and their local residents to this section as well as use it as a source of reference themselves.





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List of Primary Authority gambling agreements

Gambling Primary Authorities (PA) agreements signed to date. LAs are reminded that there is no restriction on any LAs wishing to undertake proactive test purchasing activity where the PA has not developed a National Inspection Strategy.

Milton Keynes - Ladbrokes
(with National Inspection Strategy)
London Borough of Newham - Corals
(with National Inspection Strategy)
Reading - Paddy Power
(with National Inspection Strategy)
Reading - BACTA
Reading - ABB
Reading - Welcome Break
Westminster - William Hills

LAs should check the [Primary Authority register](#) to see which trade association members have signed up to the BACTA and ABB agreements. (Note: you need to search for Reading or for the name of the operator itself.)

Quick guides: now more print friendly

LAs are reminded that we have a number of quick guides. Some are designed to give to operators when undertaking visits; others provide an accessible 'how to' for licensing staff.

Following feedback from LAs, print friendly versions of these quick guides are now available: just click on the line at the front of each quick guide 'Click here for printable version' and make sure you set to print on both sides of the paper...

- **NEW:** Gaming machines in pubs
- Race night, casino night or poker night
- Members club or commercial club
- Poker in clubs
- Poker in pubs
- Facilitating betting in pubs is illegal
- Skills with prizes
- Illegal gaming machines
- Lottery ticket dispensers and B3A machines
- Illegal siting of gaming machines
- Fairs and fairgrounds

- Society lotteries, ELMs & service providers
- Running a lottery
- Running prize competitions and free draws
- Multi-activity sites

We have also published a couple of quick guides for consumers which LAs may wish to promote on their own websites:

- [Gambling safely – a quick guide for parents and others](#)
- [What to look out for before gambling](#)

Gambling Act statutory notices and forms

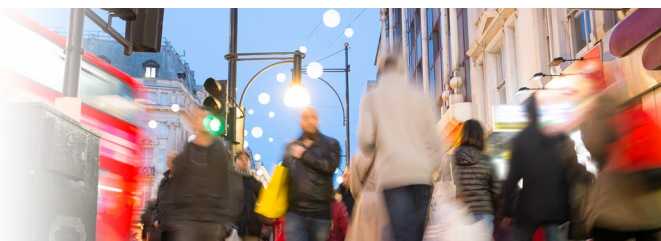
Licensing authorities are advised that DCMS has asked the Commission to host all the [statutory notices and application forms](#) on the Commission's website as they are no longer available on the DCMS website.



Using the right forms

It is a statutory requirement that you use the correct forms to give proper notice of applications, variations etc to all responsible authorities (part 3, s 12 and 13 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007).

Licensing authorities also have statutory duties to notify the Commission as well as the applicant and other responsible authorities, of the grant/rejection of applications (new, variations, transfers etc) as well as the revocation, surrender or lapse of a premises licence using the correct statutory forms. Having all the statutory forms (both in English and in Welsh) in one place should help you to comply with those statutory processes.



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Additionally we are aware that the gambling pages on many LA websites signpost applicants to the DCMS website for more information.

As you will know the separate government departments now all use the www.gov.uk website and much of the historic gambling material is no longer available. LAs may wish to review and update their websites, signposting to the Commission's website where appropriate.

Premises licence register

Licensing authorities are reminded that the information on the publicly available [premises register](#) is based on the statutory notifications received from LAs regarding grants, variations, revocations, lapses etc, and is updated monthly. LAs are encouraged to use email to submit details of grants, transfers, notices, revocations, permits sending **all** necessary correspondence to info@gamblingcommission.gov.uk.

In relation to gaming machines, please only share notices of grant/rejection of Club Machines Permits and Gaming Machine Permits, as there is no requirement to advise us when an alcohol licence holder submits their notification for an automatic entitlement to two gaming machines.

However LAs must keep a record of how many automatic entitlement notifications it receives each year, as that information is requested in the annual LA returns.

Find operating licence holders

We also [publish](#) the names of all companies and individuals who hold, or have applied for, operating licences in Great Britain along with the names of companies or individuals whose licences have lapsed, been revoked, forfeited, expired, suspended or surrendered in the last six months.

Change of licensing personnel?

We try to ensure our contact records are up-to-date, but please help us out by letting us know when there are any changes of gambling contacts in your LA so that our communications reach the correct person.



Join our LinkedIn group

The Gambling Commission, [licensing officers and LA group](#) is aimed at helping licensing officers understand the key role LAs play in gambling regulation in Great Britain.

Members can share good practice and find out how LAs have a number of regulatory functions including issuing premises licences, regulating gaming and gaming machines in clubs and pubs, inspection and enforcement of licences and lots more.

Keeping gambling fair and safe for all

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