

licensing authority bulletin

April 2017

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News



Licensing authority annual returns

Deadline 12 May

In early March we wrote to LAs, advising them to start to prepare for their annual return covering the period 1 April 2016 – 31 March 2017 which should be submitted between 1 April and the 12 May 2017. A further letter was sent out in early April reminding LAs to submit and providing details of the online portal. Those that have yet to submit have now also been sent a 'two weeks to go' reminder letter. Thank you to those who have already submitted.

It is a requirement under the Gambling Act 2005 that LAs submit annual information regarding licensed gambling activities, inspection and compliance work. The return is also part of the (DCLG) Single Data List of information which local authorities are required to provide to central government. A report analysing the returns will be published later in the year and an accompanying Excel spreadsheet which enables you to compare your authority with others across Great Britain.

Submitting the data is a statutory obligation, and failure to submit within this timescale will result in the matter being escalated to Heads of Service and ultimately CEOs.

Please contact info@gamblingcommission.gov.uk if you have not received any correspondence about the annual returns.

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Institute of Licensing IOL week of action

We are once again supporting the Institute of Licensing's week of action (19 – 23 June).

If your LA/local police are interested in undertaking some joint visits that week with your compliance manager to gambling premises or alcohol licensed premises with machines or having some training on topics including machines, poker in pubs and clubs, lotteries and test purchasing then please contact your local compliance manager. We already have a number of joint activities lined up around the country but would like to improve on last year's successes.

Business plan and call for input to corporate strategy

We have published our [business plan](#) for the year which sets out what we will be doing in five priority areas:

- empower and protect consumers
- raise standards across all gambling sectors
- build partnerships and understanding
- ensure fair play on the National Lottery
- improve regulation.

We are also keen to start a conversation with partners and stakeholders about our long-term strategy, gathering as wide a range of views as possible and are especially keen to encourage responses from those who may not typically respond to our detailed consultations about how we do our job. The longer term strategy will be published in the summer. The closing date for responses to the [survey](#) is 12 May.

Case studies

Betwatch in West Midlands

Over the last twelve months we have been working with the West Midlands police, betting shops, Business Improvement Districts, the Association of British Bookmakers and licensing authorities on a new approach to making communities safer by preventing and detecting gambling related crime and antisocial behaviour.



Betwatch schemes are aimed at reducing crime and anti-social behaviour in identified hotspots by allowing the sharing of information on individuals committing criminal or antisocial acts among betting shop operators and the police.

This model of Betwatch uses technology in the form of information sharing applications "Facewatch" and "DISC" to facilitate a "barred from one banned from all" exclusion scheme to be enacted where criminal or antisocial behaviour is identified as being an issue in either a wider area or just localised to specific betting shops.

Local schemes are successfully operating across Birmingham, Coventry and Solihull with the longest running scheme celebrating its first anniversary in April 2017.

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Feedback and evidence demonstrate that the schemes have had a notable positive impact and so work is now being undertaken to produce guidance and training to enable licensing authorities across the UK to share in the success enjoyed in the West Midlands in reducing gambling related crime and antisocial behaviour. There has already been interest from the City of Westminster and Greater Manchester police in a model for successfully implementing such a Betwatch scheme.

Should you wish to find out more about Betwatch and how it can work in your area please contact your local compliance manager for more details.

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

Partnership approach to dealing with underage issues

A licensing officer from Cardiff City Council was approached by a local taxi driver who expressed concerns about a number of youths that he knew were going into the local betting shop and he knew they were underage. He had concerns on both child protection and religious grounds.

The licensing officer met with the manager of the local betting shop to gather more information and who confirmed that there were a group of local youths who were playing FORTs in that and neighbouring betting shops. The typical pattern would be for two older boys to go in first and play the machines before being joined by a gang of 6-8 youths. The manager had previously been threatened on approaching the gang, which had been reported to the police and escalated within the company.

The licensing officer followed up with the area manager of the company concerned and expressed concern about the protection of children from harm and for the safety of staff.



He requested that the local risk assessment was reviewed and revisited and to inform the council of the measures they intended to put in place to minimise the risks involved. As a result of this the following actions were taken by the company:

- All members of the group were issued with trespass notices advising them that they are formally barred from all premises in the city of one of the major betting operators
- All three shops who had experienced problems with the youths put an experienced shop manager in place along with a stable team to ensure this process is managed thoroughly along with ongoing operational support (area manager, security etc)
- All three shops are now double-manned in the evening to support colleagues whilst they manage and monitor the above barring process
- Company security investigators visited all sites concerned and updated the Local Risk Assessment accordingly to include specific measure to prevent against this type of incident.

The licensing officer also liaised with the local neighbourhood policing team who requested CCTV footage and through discussions with the area manager it seemed likely that the youths attended a local school. The company security officer and South Wales police approached the school and worked with the head of sixth form to identify the individuals concerned. This work resulted in the identification of pupils from another school in the city. In all cases identified the children's parents were contacted as a result. The schools took active intervention measures warning of possible exclusion of the individuals concerned.

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The collaborative working of all parties concerned have resulted in measured, lasting and robust action being taken to protect and educate all concerned. There have been no further reports of incidents from the shops concerned.

Advice and guidance

Casino inspection guides

We understand that there has been some confusion about which **LLEP inspection guides** for casinos to use. There are three different types of casino premises, but most LAs will only need the casinos (converted) inspection guide.

Casinos (converted): This template should be used for casino premises whose permissions were originally granted under the Gaming Act 1968 (that is, their licences issued under the 1968 Act were converted under the Gambling Act 2005 so that they could continue to trade). The vast majority of casino premises in Britain – more than 140 – are converted casinos.

Casinos (small): This template should only be used for casinos whose premises licence is for a designated “small casino” under section 174 of the Gambling Act. Please note that only the following local licensing authority areas are permitted by legislation to issue a small casino premises licence:

- Bath & North East Somerset
- Dumfries & Galloway
- East Lindsey
- Luton
- Scarborough
- Swansea
- Torbay
- Wolverhampton

If your licensing authority is not listed above, then you will not have any need for the casinos (small) inspection guide.



Of the above list, four licensing authorities – Bath, Luton, Scarborough and Wolverhampton – have so far granted a premises licence or a provisional statement for a small casino in their area, and the small casinos in Luton and Wolverhampton are open.

Casinos (large): This template should only be used for casinos whose premises licence is for a designated “large casino” under section 174 of the Gambling Act. Please note that only the following local licensing authority areas are permitted by legislation to issue a large casino premises licence:

- Great Yarmouth
- Hull
- Leeds
- Middlesbrough
- Milton Keynes
- Newham
- Solihull
- Southampton

If your licensing authority is not listed above, then you will not have any need for the casinos (large) inspection guide.

All of these licensing authorities have granted a premises licence or a provisional statement for a large casino in their area, but only the large casinos in Leeds, Milton Keynes, Newham and Solihull are currently open.

The casino LLEP templates are being amended to make it clear which template should be used.

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Updated consolidated gambling codes of practice

We have updated the [gambling codes of practice - consolidation for all forms of gambling](#) for LAs to take account to some changes to the Licence Conditions and Codes of Practice (LCCP) which came into effect on 6 April 2017. The LCCP changes related only to the conditions and codes for the remote host operating licences that have been introduced following the 2016 fees consultation. The new licences are for casino, bingo, virtual event betting and real event betting businesses who only provide facilities for gambling in circumstances in which they do not contract directly with any of the customers using those facilities.

Feedback to industry on local risk assessments

At the end of 2016 we undertook a number of visits to assess how operators were embedding the new social responsibility code which came into force in April 2016 – namely the requirement for premises to undertake a local risk assessment.

We undertook a dip sample of nearly 70 operators across the betting, bingo, casino and arcade sectors, involving over 100 premises in total throughout Great Britain and recently shared the following findings with trade associations:

The findings from this exercise varied but in particular we found that in a large number of premises the local risk assessment was held at the head office not on the premises, and the local staff were both unfamiliar with it and had not been involved in its preparation. Where it was held at head office, it had to be sent through to the premises on request either at the time of the visit or subsequently.

This pattern was found in both large and smaller operators although the risk assessment was more likely to be held on the premises and staff involved in its production in smaller operators. We also noted that staff in (smaller) operators that were not part of a trade body were typically unfamiliar with local risk assessments. In a number of instances staff viewed the local risk assessment as a managerial tool only, rather than something they might have a role in developing and maintaining. We would encourage operators to ensure premises staff play an active role in the development and ongoing maintenance of risk assessments as they will be most familiar with the local area and potential risk factors.

We did not dwell on the content of the risk assessment itself in any detail during our visits as LAs are best placed to comment on whether the relevant local risks have been addressed. However it was evident in relation to a number of operators that the content was generic for each premises, irrespective of location, and that little reference had been made to the local landscape. Again operators are encouraged to better reflect the local landscape by involving local staff, taking in to account information in the local Statement of Policy and/or having a discussion with the LA.

We acknowledge that both operators and licensing authorities are still adjusting to this new requirement and that in many cases further work is required for it to become a useful means of mitigating the local risks to the licensing objectives. We have shared with LAs a number of examples where councils have set out their expectations for local risk assessments, and identified local risks in their Statements of Policy which we hope will encourage other councils to consider including more information when they next update their statements.

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Local risk assessments are intended to be live documents and will need to be revisited and refreshed on a premises by premises basis as local circumstances change. Operators are encouraged to engage with the relevant LA when updating a premises risk assessment to discuss their expectations about the assessment and to be more reflective of the local risks, rather than just including the companywide policies and procedures in relation to the licensing objectives.

Further information about [local risk assessments](#) is available on our website.

Bingo themed events

As mentioned in recent months we continue to receive intelligence about bingo themed events occurring across Great Britain which raise questions as to compliance with regulations and monetary limits. Where we become aware of these events we will contact the organiser and the LA concerned however we are not best positioned to know what is currently happening in each individual LA area.

The events typically occur in larger venues which host DJ nights, themed parties and live music with an alcohol licence. The advertising for the events we have concerns about frequently use the word 'bingo' in the advertising and often have an e-booking system. The target audience is predominantly younger adults and is sold as a 'new' version of bingo with more fun and frequently are advertised on the internet.

Our main concerns about these events are:

- The venue and/or operator of the event may be in breach of the high turnover bingo rules and may require a bingo operator licence (see sections [18.12 – 18.15 of the GLA](#))
- The venue or operator of these events may be charging a par (participation) fee to play the bingo which is not permitted under the regulations. This may appear to be a charge for the overall event, a fee to get into the venue, rather than a separate charge for the bingo. This could only be determined on a case by case basis, however from the evidence so far, the Commission has concerns about the legality of such arrangements.



In relation to the latter point we advised last month that alcohol licensed premises are able to provide facilities for bingo, as long as restrictions in S281 of the Act are complied with:

- in any seven day period, the aggregate stakes or prizes for bingo must not exceed £2000, either in money taken or prizes awarded (if the limit is exceeded, the relevant operating and personal licences must be applied for)
- as part of the exempt gaming rules, a fee may not be levied for participation in the bingo. A compulsory charge, such as charging for a meal, or for entry to the premises where bingo is being played, may constitute a participation fee, depending on the particular circumstances. [The Gambling Act 2005 \(Exempt Gaming in Alcohol Licensed Premises\) Regulations 2007](#) set the controls for this form of gaming to ensure it remains a low stakes and prizes activity
- the bingo must comply with the [Code of Practice for equal chance gaming in club and premises with an alcohol licence](#) - this includes compliance with the maximum stakes of £5 per person per game.

We encourage LAs to monitor pubs, clubs and similar venues for the occurrence of these events and to contact us if you are unsure, particularly in relation to stakes and prizes exceeding the £2,000 weekly limit or where there is a possible fee to play. Please contact your local compliance manager in the first instance.

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Information sharing

Good neighbour scheme

William Hill has publicly stated that they want to be a good neighbour and to be part of a thriving and safe community. Through the Good Neighbour scheme, advertised in all their premises, members of the public and customers are encouraged to report any issues concerning what goes on inside or outside any of their shops by calling 08705 18 17 15, emailing customerhelp@williamhill.co.uk or speaking to a member of staff. All concerns will be treated with respect and in confidence.



As an operator, William Hill states it wants to be part of the solution to the problems their local communities may face, whether issues are directly linked to their premises or are occurring outside of their shops, such as street drinking or rubbish being dumped outside of shops. Some of the other types of issues they commonly address through the Good Neighbour scheme include; the shop alarm going off during unsociable hours, loud commentary, anti-social behaviour that seems to centre around a shop – as well as many other issues that will be unique to different local areas.

Gambling training modules for LAs

We have a number of refresher modules for licensing officers on topics which compliance managers can deliver at these at regional/IOL licensing meetings. 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
- Betting at tracks
- Money laundering (for police/LAs)
- Police powers on conducting gambling premises inspections (in gambling premises and alcohol licensed premises in England and Wales)
- Permit renewals.

If you are interested in receiving such training, please contact your compliance manager.

The Commission and Institute of Licensing (IOL) have jointly launched an e-learning module on gaming machines.

This module is the first of 3 modules designed to help LAs and other co-regulators to improve their understanding of gaming machines and the local regulation of them.

This module provides an introduction to gaming machines and covers:

1. The role of LAs in the regulation of gambling
2. What is a gaming machine?
3. The various types of gaming machine.

These modules can be accessed by anybody via the [IOL website](#), and they are CPD accredited (based on a 30 minute average). Once on the website simply click on the 'e-learning' tab on the top right, then log in if you have an existing account, or request a log in to get started.

Please note, that the gaming machines sector is a diverse and complex one and this training is only designed to give a basic introduction, for help with complex issues seek specialist advice.

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Reference materials

Primary Authority (PA) FAQs

A set of frequently asked questions are available on the PA register (log in then search of for a PA gambling partnership – listed below – and then go to the advice/information section). They explain the background to PA gambling agreements and the difference between PA advice and national inspection strategies. The FAQs set out how operators use third party age verification testing, how the tests are conducted and what having a PA relationship means. One question of particular interest to LAs is:

Q. What do local authorities need to do if they want to test purchase from betting shops covered by a NIS?

Each operator with a NIS has committed to a series of random tests by local authorities co-ordinated via the Primary Authority and without the knowledge of the operator, with no upper limit. Local authorities must contact the Primary Authority in order to participate in the NIS. The local authority must also commit in writing to following the protocol and providing feedback to the Primary Authority within the specified timeframes to participate. The PA will then discuss all the results with the operator and agree on steps to address any weaknesses.

The results ultimately assist in improving the protection for young people from gambling harm which is why the consistent approach is important and so conclusions can be reliably drawn. They are also intended to lend a reality check to the operator's Serve Legal testing to ensure they are providing a realistic picture of operator performance. The local authority tests use an actual under 18, rather than the 18/19 year olds used by Serve Legal, but again will 'mystery shop' against the Think 21 policies.

The results are also shared with the Gambling Commission and a report, including all the test purchases will be provided to the participating local authorities at the end of the NIS.

Currently, the operators involved in a NIS are Coral, Ladbrokes and Paddy Power. See the [PA register for further details](#) of the NIS, and also other Primary Authority Advice only partnerships.

Please contact the PA directly if you wish to participate in the NIS testing.

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
Reading - MOTO
Westminster - William Hill

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

Print friendly quick guides and templates

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. For print friendly versions: just click on the print friendly instruction on the front of each quick guide and make sure your printer is set to print on both sides of the paper:

- [Money laundering](#)
- [Gaming machines in pubs](#)
- [Race night, casino night or poker night](#)
- [Members' club or commercial club](#)
- [Poker in clubs](#)
- [Poker in pubs](#)

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- Facilitating betting in pubs and clubs is illegal
- Skills with prizes
- Illegal gaming machines
- Comparing lottery ticket dispensers and B3A machines
- Illegal siting of gaming machines
- Fairs and fairgrounds
- Running a lottery
- Running prize competitions and free draws
- Multi-activity sites

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.

In the [LA toolkits on our new website](#) you can find example letter templates are also available, which LAs may wish to use when dealing with issues such as illegal machines in pubs, and illegal 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. They provide examples of sorts of conditions a licensing authority may wish to think about when addressing similar evidenced based concerns within a local area.

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](#).

Gambling Act statutory notices and forms

LAs 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 applicants use the correct forms to give proper notice of applications, variations etc to all responsible authorities, including the Commission (part 3, s12 and 13 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007).

LAs 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.

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

LAs 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.

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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

Our [public register](#) contains 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. LAs are reminded to check the operator licence quoted on premises applications with the register before granting a premises licence. An application for premises licence may only be made by persons who have an operating licence which allows them to carry out the proposed activity for example a bingo operating licence for a bingo premises, or have applied for an operating licence (although the premises licence cannot be determined until an operating licence has been issued).

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

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

You 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.

You can also follow [the LinkedIn Gambling Commission company page](#).

Keeping gambling fair and safe for all
www.gamblingcommission.gov.uk