

Police role in gambling premises and permit application processes

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Introduction

This information note describes the role of the police in the various functions carried out by licensing authorities¹ when they consider applications for gambling licences and permits under the Gambling Act 2005 (the Act), as well as in the review and appeals process under the Act. It does not offer guidance as to other legislation and powers.

A separate [information note](#) sets out the role and powers of police in relation to inspection and enforcement within gambling premises.

Gambling Act licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1 Licensing authority functions

1.1 The Act gives licensing authorities a number of important regulatory functions in relation to gambling carried out in Great Britain. The main functions are:

- issue a statement of licensing policy setting expectations of how gambling will be regulated in the area
- licence premises for gambling activities
- consider notices given for the temporary use of premises gambling
- grant permits for gaming and gaming machines in clubs and miner's welfare institutes
- regulate gaming and gaming machines in alcohol licensed premises
- grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- grant permits for prize gaming
- consider occasional use notices for betting at tracks
- register small societies' lotteries that fall below certain thresholds

2 Statement of policy

2.1 This statement of policy forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.

2.2 S.349 of the Act requires licensing authorities to review and publish their policy every three years (they can also review and alter the statement during that three year timeframe). Licensing authorities must consult with those bodies set out in s.349 (3) of the Act, which includes s.349 (3a)

- I. in England and Wales, the chief officer of police for the authority's area, or
- II. in Scotland, the chief constable of the police force maintained for the police area comprising that area

2.4 This provides the police with the opportunity to inform the licensing authority of particular risks and concerns the police have about gambling, to share relevant data and which could help shape the policy for example, in relation to the expectations for local risk assessment or crime prevention or safeguarding requirements.

2.5 Further details about Statement of Policy in Part 6 of the [Guidance to Licensing Authorities](#).

¹ Licensing authorities in England and Wales and Licensing Boards in Scotland

3 Premises licences

- 3.1** Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated. Where an individual or company uses premise or causes or permits premises to be used to offer gambling, a premises licence is required.
- 3.2** In accordance with s.150 of the Act, premises licences can authorise the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises including tracks and premises used by betting intermediaries
 - adult gaming centres (AGC)
 - family entertainment centres (FEC)
- 3.3** The premises licences listed above can only be issued to [holders of a Commission operating licence](#), with the exception of track premises licences which can be issued to certain track owners without the need to hold an operating licence if they do not themselves provide any betting facilities.
- 3.4** The type of premises licence must correlate with the type of operating licence held – for example, an adult gaming centre premises licence can only be held in conjunction with an adult gaming centre operating licence, not another type such as a bingo.
- 3.5** Gambling operators can hold multiple premises licences, but are only required to hold one operating licence in respect of the type of gambling they offer. For example, a betting operator may own 100 betting shops, each of which would require an individual betting premises licence, but the operator would require only one betting operating licence.
- 3.6** As part of the operating licence application process, the Commission undertakes disclosure checks to verify the suitability of the applicant to hold an operating licence.

Role of the police in the premises application process

- 3.7** The local chief officer/chief constable is sent a notice of application each time one of the following is lodged with a licensing authority falling within that policing area:
- a notice of application for a new premises licence
 - a notice of application to vary a feature of an existing premises licence
 - a notice of application to transfer an existing premises licence to someone else
 - a notice of application to reinstate a premises licence that has lapse for some reason.
- 3.8** In each case the applicant is responsible for sending notice of their application to the police (as a responsible authority), once they have lodged their application with the relevant licensing authority.
- 3.9** Licensing authorities are required to inform the local chief officer /chief constable when:
- a premises licence application is determined (whether granted or rejected)
 - a premises licence is surrendered by the licence holder (s.192 of the Act)
 - a premises licence lapses (for reasons including the licence holder dying or becoming bankrupt, as set out in s.194 of the Act).

Making representations

- 3.10** Police are entitled to make representations towards the premises licence applications, where they feel necessary. However there is no requirement for representations to be made for each application.

- 3.11** The period available to make representations, will be stated on the notice of application, and is required to be no less than 28 days, starting from the date on which the application was made to the licensing authority.
- 3.12** During the period allowed for representations, police may wish to contact colleagues in the licensing departments of local authorities to discuss matters relating to the application and the premises in question.
- 3.13** Police are also entitled under s.313 (1) of the Act to enter premises in respect of which a premises licence application has been made in order to assess the likely effects of the proposed gambling activity.
- 3.14** Under s.162 of the Act licensing authorities are required to filter all representations they receive under the Act to ensure they identify those that are relevant, and those that are irrelevant, and may be required to hold a hearing for any relevant representations.
- 3.15** Representations that are likely to be deemed relevant by licensing authorities are those that relate to at least one of the licensing objectives. They may also be found relevant if they raise issues of concern connected to the content of the licensing authority's own statement of policy or any of the Commission's guidance or codes of practice. This is set out at s.153 of the Act.
- 3.16** The Act does not include the prevention of public nuisance as a licensing objective, and therefore representations concerning nuisance issues at gambling premises may be deemed irrelevant by a licensing authority (unless the activity leading to the public nuisance could be held as fitting with the licensing objective of preventing crime and disorder associated with gambling).
- 3.17** If the police have concerns relating to a premises licence application that cannot be justified as a relevant representation, they may prefer to raise these with the licensing authority in question and seek to address them under other relevant legislation. For example, police may use the powers of the Act to raise representations and take action where a [gambling-related offence is committed under the Act](#) . So if money is stolen from a cashier in a betting premises or gaming machines are damaged by a customer attempting to steal money from the machine in an arcade as a result of failings in the gambling operator's controls then these offences could be challenged under the Act as crime and disorder.
- 3.18** However, crime and disorder that is not linked to the gambling facilities provided at the gambling premises should be tackled under other relevant legislation or as common/civil law offences eg petty theft offences should be handled under the applicable legislation that would be used against an offender committing theft anywhere and not holding the licensed premises to account if they have no clear failings in the incident, as there is no provision for this within the Act.
- 3.19** Where police choose to make representations, they must do so formally in writing to the licensing authority that is considering the application. The licensing authority will advise police of the outcome of all applications, and confirm whether or not a hearing will be held following the closure of the representations period.

Display/loss of premises licence

- 3.20** The premises licence summary must be displayed on the premises and the full licence has to be kept on the premises, and police are entitled to request to see the licence (or a suitable copy if the original licence is held at a head office) under s.185 of the Act. It is an offence if the holder, without reasonable excuse, fails to comply.

- 3.21** If a premises licence or summary of licence is lost or stolen, the licence holder must apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required to ensure that the licence holder has reported the loss or theft to the police.
- 3.22** Further details in the [Guidance to Licensing Authorities](#) on premises licences (Part 7) and premises licence conditions (Part 9).

4 Provisional statements

- 4.1** Application may be made to a licensing authority for a provisional statement in respect of premises that the applicant expects to be constructed or altered, or where they expect to acquire a right to occupy. Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence (either for a different type of gambling or the same type).
- 4.2** While applicants for premises licences must hold or have applied for an operating licence from the Commission (except in the case of tracks) and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement. In circumstances where an applicant has also applied to the Commission for an operating licence, the Commission will not be able to comment whether the application is likely to be granted, and the licensing authority should not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.

Role of police in the provisional licence application process

- 4.3** The local chief officer/chief constable is sent a notice of each application for a provisional statement. The applicant is responsible for sending this. The notice states the date by which the police may make representations about the application, if they choose to (the period is required to be no less than 28 days, starting from the date on which the application was made to the licensing authority). As with premises licence applications, representations should be made formally and in writing to the relevant licensing authority.
- 4.4** Further details on provisional statements in Part 11 of the [Guidance to Licensing Authorities](#).

5 Family Entertainment centre gaming machine permits

- 5.1** This type of permit (often also referred to as an 'unlicensed FEC' or an 'uFEC') enables the holder to offer only category D machines. Premises that are the subject of the permit must be wholly or mainly used for the provision of gaming machines and therefore cannot be granted for an entire shopping area, airport or bowling alley for example. Permits cannot be issued in respect of vessels or vehicles.
- 5.2** Alcohol consumption is permitted in uFECs. Police should note that this is not the case for family entertainment centres that are the subject of premises licences – and have higher category gaming machines - where the consumption of alcohol is prohibited by a condition of the premises licence.
- 5.3** Permit holders do not need to also hold an operating licence issued by the Commission. The permit holder is however required to be 18 or over.

Role of police in the uFEC application process

- 5.4** The local chief officer/chief constable is consulted by the licensing authority on each application for this type of permit. Police may raise any matters they deem necessary on **any aspect of the application**. As part of the application process, police officers are permitted to enter the premises where the uFEC is to be located, if they require to do so, under the powers of inspection created by s.309(1) of the Act.
- 5.5** Licensing authorities may approach police during the application process with regard to carrying out criminal disclosure checks on the applicant.

Display/loss of permit

- 5.6** The permit has to be kept on the premises, and police officers are entitled to request that the permit is produced under Schedule 10(20) of the Act.
- 5.7** If an uFEC permit is lost or stolen, the permit holder may apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required (under Schedule 10(21) of the Act) to ensure that the permit holder reported the loss or theft to the police.
- 5.8** Further details on uFECs in Part 24 of the [Guidance to Licensing Authorities](#).

6 Club gaming permits and club machine permits

- 6.1** Club gaming and club gaming machine permits authorise the provision of certain gambling facilities in members clubs, commercial clubs and miners' welfare institutes, providing the club in question meets the definitions set out in s.266, 267 and 268 of the Act.
- 6.2** Permit holders do not need to also hold an operating licence issued by the Commission. However, some clubs operate high-turnover bingo games (exceeding a turnover of £2,000 a week) and as such are required to hold a relevant operating licence from the Commission.

Role of police in club permit application process

- 6.3** Applicants for club permits are required to send the local chief officer /chief constable a copy of their application at the time as they send the application to the relevant licensing authority. At this stage, police may decide to contact the licensing authority to raise any matters they deem necessary regarding the application.
- 6.4** Licensing authorities may approach police during the application process with regard to carrying out criminal disclosure checks on the applicant.
- 6.5** Licensing authorities will inform the police regarding the outcome of each application for club permits, and the reason for that decision if any objections to the permit application were received.
- 6.6** Applicants for club gaming permits or club machine permits in England and Wales that already have a club premises certificate issued under the Licensing Act 2003 can use a 'fast-track' application route when applying for their permit. This process is set out in Schedule 12(10) of the Act, and removes the requirement on the applicant to send a copy of their application to the local chief officer of police. There is currently no equivalent 'fast-track' route available in the Act for clubs applying for permits in Scotland.

- 6.7** Licensing authorities are required to inform their local chief officer /chief constable when:
- They believe a club permit has lapsed (under Schedule 12(20) of the Act)
 - They have been informed that a club permit holder is surrendering their permit (under Schedule 12(20) of the Act)
 - They cancel a club permit (under Schedule 12(21(3)) of the Act).

Display/loss of club permit

- 6.8** The permit has to be kept on the premises, and police officers are entitled to request that the permit is produced (under Schedule 12 (13) of the Act).
- 6.9** If a club gaming or machine permit is lost or stolen, the permit holder can apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required (under Schedule 12(16) of the Act) to ensure that the permit holder reported the loss/theft to the police.
- 6.10** Further details about clubs in Part 25 of the [Guidance to Licensing Authorities](#).

7 Gaming machines in alcohol-licensed premises

Automatic entitlement to two gaming machines

- 7.1** S.282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol licensed premises. This applies to premises in respect of which an on premises alcohol licence (in England and Wales) or a premises licenced under the Licensing (Scotland) Act 2005 has been issued – provided that, in the case of Scotland, it is not a licence authorising the sale of alcohol for consumption off the premises only –and that have a bar at which alcohol is served, without a requirement that alcohol is served only with food.
- 7.2** The holder of the on-premises alcohol licence must notify their local licensing authority that they intend to make use of the automatic entitlement. The police **are not involved** in this type of permission.

Licensed premises gaming machine permits

- 7.3** Licensing authorities may issue licensed premises gaming machine permits for any number of category C or D machines in alcohol licensed premises. The permit specifies the number of machines that are authorised (which will effectively replace and not in addition to, any automatic entitlement to two machines under s282 of the Act). Applicants for licensed premises gaming machine permits are **not required** to send the local chief officer/chief constable a copy of their application.

Display/loss of licensed premises gaming machine permit

- 7.4** The permit has to be kept on the premises, and police officers are entitled to request that the permit is produced (under Schedule 13(10) of the Act).
- 7.5** If a licensed premises gaming machine permit is lost or stolen, the permit holder can apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required (under Schedule 13(11) of the Act) to ensure that the permit holder reported the loss or theft to the police.
- 7.6** Further information on premises licensed to sell alcohol in Part 26 of the [Guidance to Licensing Authorities](#).

8 Temporary use notices

- 8.1** A temporary event notice (TUN) is not a permanent arrangement but it allows premises such as hotels, conference centres, sporting venues or vessels to be used temporarily for providing facilities. Only a holder of an operating licence from the Commission can notify a TUN to the relevant licensing authority.
- 8.2** TUNs are often, but not exclusively, used to run poker tournaments. Gaming machines may not be available under a TUN.
- 8.3** The notice authorises the premises to be used for the provision of equal chance gaming during the period specified in the notice (up to 21 days for a set of premises in a 12 month period).

Role of police in the TUN process

- 8.4** Applicants for TUNs are required to send a copy of their notice (as served on the licensing authority) to the local chief officer/chief constable of the area where the event is to be held. Notices must be served on the licensing authority and police no less than three months in advance of the event taking place.
- 8.5** Upon receipt of a TUN police should consider whether they wish to object to **any aspect of the notice**. Specifically they should consider whether the gambling set out on the notice should take place, or only with modifications. They may wish to contact the licensing team at the local authority in question to discuss the notice.
- 8.6** The principles involved in deciding whether to grant a TUN are the same as those in determining a premises licence application.
- 8.7** Objections must be lodged within 14 days of the date that the TUN was sent to the licensing authority. They should be sent as a formal notice of objection to both the licensing authority and the person or organisation that issued the temporary use notice.
- 8.8** Police officers are entitled by virtue of s. 315(1) of the Act to enter premises in respect of which a temporary use notice is being given, in order to assess the effect of the proposed gambling activity upon the licensing objectives.
- 8.9** Where objections are received the licensing authority must hold a hearing to listen to responses from the person or organisation issuing the TUN. If the police have lodged objections they may attend and offer modifications to the notice that will alleviate their concerns. If the modifications are accepted by the applicant, a new temporary use notice must be prepared and the original notice withdrawn.
- 8.10** Following a hearing, licensing authorities may issue a counter-notice if they believe that the temporary use notice should not take effect. Police will be copied in on the counter-notice. The counter-notice can:
- prevent the temporary use notice from taking effect limit the activities that are permitted
 - limit the time period of the gambling
 - allow the activities to take place subject to a specified condition.
- 8.11** If no objections are made within 14 days of the date the TUN was issued, the licensing authority must endorse the notice as valid and return it to the person who gave it.

Display of Temporary Use Notice

- 8.12** A temporary use notice must be prominently displayed at the premises where the activity is taking place, during the times when it is taking place. The notice must also be made available to a police officer on request. It is an offence to fail to comply with either of these requirements (s229 of the Act).
- 8.13** Further details on Temporary Use Notices in Part 14 of the [Guidance to Licensing Authorities](#).

9 Occasional use notices

- 9.1** S.39 of the Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an occasional use notice (OUN) without the need for a full premises licence. The intention is to permit licensed betting operators with appropriate permission from the Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. An OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track.
- 9.2** Tracks are normally thought of as permanent horse racecourse or dog tracks, but the definition at s.353(1) of the Act also covers any premises on any part of which a race or other sporting event takes place or is intended to take place. The track does not need to be a permanent feature so land used temporarily as a track can be used eg agricultural upon which point to point meetings take place.

Role of police in the OUN process

- 9.3** Copies of occasional use notices (as served on the licensing authority) must be sent to the local chief officer /chief constable of the area where the event is to take place.
- 9.4** However, unlike temporary use notices, there is no facility for issuing counter-notices to prevent an occasional use notice from taking effect. The only circumstance under which an occasional use notice can be dismissed is where the maximum eight day limit (per calendar year) for the track had been used already. This is a responsibility of the licensing authority to check.
- 9.5** Further details on Occasional Use Notices in Part 15 of the [Guidance to Licensing Authorities](#).

10 Prize gaming permits

- 10.1** S. 288 of the Act defines gaming as prize gaming if the nature and size of the prize on offer is not determined by the number of people playing the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

Role of the police with prize gaming permits

- 10.2** Licensing authorities may only grant an application for a prize gaming permit if they have consulted the chief officer /chief constable of the area where the premises are located. S.311(1) of the Act entitles a police officer to enter premises which are the subject of this type of application if they require to do so as part of the application process.
- 10.3** Licensing authorities may approach the police during the application process with regards to carrying out criminal disclosure checks on the applicant.

Display of prize gaming permit

- 10.4** A copy of the prize gaming permit has to be kept on the premises, and police officers are entitled to request that the notice is produced (under Schedule 14(20) of the Act).
- 10.5** Further details on prize gaming permits in Part 27 of the [Guidance to Licensing Authorities](#).

11 Police role in premises licence reviews and appeals

Premises licence reviews

- 11.1** Premises licences issued under the Act may be reviewed by the issuing licensing authority of its own volition, or following the receipt of an application for a review from either an interested party or a responsible authority. Any aspect of the premises or the licence itself may be scrutinised as part of a review.
- 11.2** During a review, the licensing authority will evaluate the grounds for the review and determine if any action can be taken in relation to the premises licence. If it concludes that action should be taken, it can look to make changes to certain premises licence conditions, add certain new conditions, suspend the licence for up to three months, or even revoke the licence altogether.

Police involvement in premises licence reviews

- 11.3** As a responsible authority under the Act, the police may request a review of a premises licence, in accordance with s.197 of the Act. Police may also contribute to premises licence reviews that are requested by other parties, or that are initiated by licensing authorities themselves.
- 11.4** If the police are concerned about a particular gambling premises in their local area, they may apply to the issuing licensing authority for a review of the premises licence. S.198 of the Act sets out a number of criteria to which licensing authorities should refer to when deciding whether to accept the application for a review, namely that a licensing authority may decide to reject an application for a review if the grounds:
- are not relevant to the Commission's guidance or codes of practice, the licensing authority's policy statement, or the three licensing objectives
 - are found to be frivolous, vexatious, or not going to lead to the licensing authority revoking or suspending the licence, or changing licence conditions
 - are substantially the same as grounds previously reviewed against the premises in question
 - are substantially the same as representations made at the time the premises licence was first applied for.
- 11.5** Therefore, before deciding whether to apply to a licensing authority for a review of a premises licence, police may look instead, in the first instance, to contact the licensing authority in question to discuss the specific concerns connected to the gambling premises. This may help both parties to agree whether a premises licence review would be helpful in addressing the issues raised, or whether another course of action is more appropriate (such as using powers under other legislation, or meeting with the owner of the gambling premises to talk about the concerns).
- 11.6** The Act does not include the prevention of public nuisance as a specific licensing objective (unless the activity leading to the public nuisance could be held as fitting with the licensing objective of preventing crime and disorder associated with gambling). Nuisance associated with gambling premises therefore is unlikely to be grounds for a review of a premises licence, and should instead be tackled directly under other relevant legislation.

- 11.7** As a responsible authority the police will also be sent a 'notice of intention to carry out a review' when a gambling premises in their local area is having its premises licence reviewed at the initiation of another party. The notice is sent to them by the organisation or individual applying for the review, and a period of 28 days is made available in which representations can be made to the licensing authority. Notice of the application for a premises licence review must be given to the licence holder and all other responsible authorities under the Act.
- 11.8** When considering whether or not to make representations to be taken into account as part of a gambling premises licence review, police are entitled to enter the premises in question (under s.313(2) of the Act).

Police involvement in the appeals process

- 11.9** Decisions made by licensing authorities relating to gambling permissions issued under the Act can be subject to appeal.
- 11.10** For example, where individuals or organisations make representations towards a premises licence application or a provisional statement application, and the application is then granted by the licensing authority, a route of appeal opens against the decision. Consequently, where police make a representation towards a premises licence or provisional statement application, they will be entitled to appeal the outcome of the application, as they will be a party to the decision.
- 11.11** Appeals of this nature should be lodged with the local magistrates' court or sheriff within 21 days of the outcome of the application being formally communicated to the police (via a notice of determination).
- 11.12** This process also applies to decisions made by the licensing authority following a premises licence review.
- 11.13** Police also have a right of appeal for licensing authority decisions where they have made representations relating to:
- club gaming permits and club machine permit applications (under Schedule 12(25) of the Act)
 - temporary use notices (under s.226 of the Act).
- 11.14** Police will be sent details of the outcome of the club permit application, or in the case of temporary use notices a copy of the notice endorsed by the licensing authority, and again will then have 21 days from receiving this document in which to appeal to the local magistrates' court or sheriff.
- 11.15** Further details in the [Guidance to Licensing Authorities](#) on reviews of premises licences (Part 10) and rights of appeal (Part 12).

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