### licensing authority bulletin September 2017



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# Coming soon... October special LA bulletin

Advance notice that in early October we will be issuing a bulletin focusing on the annual LA returns statistics. The bulletin will also feature a number of case studies which disprove a common (mis)perception that some officers and councillors have about gambling: ie 'we don't receive complaints so we don't have any problems'.

### News

# Gambling firm 888 to pay over £7.8million for failing vulnerable customers

888, one of Britain's biggest online gambling firms, is to pay a record penalty package of over £7.8million as a result of serious failings in its handling of vulnerable customers.

The action follows the discovery of significant flaws in 888 UK Limited's (888) social responsibility processes, which aim to protect consumers from gambling-related harm. Our investigation found:

- Due to a technical failure in 888's systems, over 7,000 customers who had chosen to self-exclude from their casino/poker/sport platform were still able to access their accounts on their bingo platform. The issue went undetected for a prolonged period of time, meaning customers were able to deposit £3.5million into their accounts, and then continue to gamble, for over 13 months. While 888 did have self-exclusion procedures in place, they were not robust enough and failed to protect potentially vulnerable customers.
- 888 also failed to recognise visible signs of problem gambling behaviour displayed by an individual customer, which was so significant that it resulted in criminal activity.

The customer staked over £1.3million, including £55k stolen from their employer. During a 13 month period the customer placed a large number of bets, gambling on average 3-4 hours a day. The lack of interaction with the customer, given the frequency, duration and sums of money involved in the gambling, raised serious concerns about 888's safeguarding of customers at-risk of gambling harm.

Further details available in our public statement.

# More progress needed to tackle problem gambling

Recently published NatCen research on behalf of the Commission shows more progress is needed to tackle problem gambling in Great Britain. The report provides a comprehensive analysis of gambling across all the nations of Great Britain - examining the rates of participation, at-risk gambling and problem gambling, and explores the associated characteristics and behaviours, combining data from the Health Survey for England 2015, the Scottish Health Survey 2015 and the Wales Omnibus in 2015. Headline findings:

- 1.4% of gamblers were classed as problem gamblers (0.8% of the population), with 6.4% atrisk (3.9% of the population) – which is similar to the rate published in the 2012 report.
- Problem gambling was more prevalent among people who had participated in a multiple gambling activities in the past year, than those that had just participated in one.
- 63% of adults (aged 16 and over) in Great Britain had gambled in the past year.
- Men (66%) are more likely to gambling than women (59%).
- Most popular gambling activities were: National Lottery draws (46%), scratchcards (23%) and other lotteries (15%).
- Overall participation was highest among the middle age groups and lowest among the youngest and oldest age groups.
- Those in employment or training were more likely to gamble (69%). Participation by those unemployed was at 56% and 57% for those retired.



#### **Briefing to Scottish Parliament**

To build on our work with the Scottish Parliament, we recently exhibited at the Parliament at Holyrood. The Commission stand was visited by over twenty Members of the Scottish Parliament (MSPs) and their staff over the 3 days, who were keen to discuss FOBTs and remote gambling in particular, but who also highlighted a range of issues relating to gambling harm in both rural and urban areas.

A group MSPs, including the Scottish Government's Local Government Minister, Kevin Stewart MSP, the Convener of the Parliament's local Government Committee, Bob Doris MSP, and Stuart McMillan MSP who has raised a range of gambling related issues at Holyrood, also received a briefing from Executive Director Tim Miller, The Commission hopes to follow-up on the initiative with further contact with the Scottish Parliament early next year.

#### Reception in the Welsh Assembly

Together with the Directors of Public Protection Wales we recently hosted a reception at the Welsh Assembly aimed at building partnerships to reduce gambling-related harm.

The event comes on the back of data recently published by the Commission that showed there are approximately 27,000 problem gamblers in Wales and a further 95,000 at risk gamblers.



The Minister for Social Services and Public Health Rebecca Evans AM, Chair of Public Protection Wales Mark Elliott and Sarah Harrison (on the left in the picture) spoke at the event, which was attended by Public Health Wales, the Chief Medical Officer for Wales, Citizens Advice, police and LAs.

Ms Harrison said: "There are over 120,000 people in Wales who are problem gamblers or at risk of developing a problem. The harms that can arise from gambling can be even more wide reaching - affecting families, businesses and communities.

"By working in close partnership with the Welsh Assembly, local councils, and advice bodies we are seeking to tackle gambling-related harm and make gambling fairer and safer for people in Wales."

#### **Responsible Gambling Week**

A national, cross-industry initiative to promote responsible gambling, running from 12 – 18 October 2017. During the week, all sectors of the gambling industry (arcades, bingo clubs, bookmakers, casinos and online), in partnership with specialist charities GambleAware and GamCare, will come together for this unified cause.

The campaign's aim is to raise awareness amongst customers and the wider public about how to gamble responsibly, the tools that are available to keep gambling safe and fun, and where anyone can find help and support for those who need it.

To spread the message of responsible gambling as far and wide as possible, the UK gambling industry will be leading on a range of activities through the week.

- Posters, leaflets, banners and other information points about RG Week are being rolled out across the country in gambling venues, on industry websites and on social media channels, encouraging conversations about gambling responsibly
- The industry is working with GamCare and its partners to establish dedicated information points around the UK that will be available to the general public throughout the week
- Staff at gambling venues and online sites will continue to be points of contact for their customers on how to gamble responsibly
- Our partners GambleAware and GamCare will also be raising awareness about responsible gambling through their websites and communication channels
- Online chatrooms and interactive Q&A sessions on social media through dedicated Twitter and Facebook accounts will help to engage discussions about responsible gambling more broadly
- An event will be held in Parliament to help brief politicians on what it means to gamble responsibly and what they can do to share the message with their constituents.



The Industry Group for Responsible Gambling (IGRG) which is running RG Week is asking local authorities to participate to help spread the message more widely. To get involved, local authorities can share RG Week messaging and collateral in the lead up to and during the week. For example, participating local authorities can:

- Share key messaging through their own media channels such as newsletters, websites and press releases;
- Use social media channels to support RG Week by following and liking @RGWeek2017 on Twitter and Facebook and by sharing or re-sharing campaign messages during the week;
- Share the messaging digitally, via for example media screens in council offices, libraries and community centres;
- Print and place RG Week collateral (posters, leaflets and banners) in their venue(s) throughout the week.

RG Week collateral (both digital and for printing) and messaging is readily available and free to use, please email responsiblegamblingweek@plmr. co.uk to request it. For more information, please visit the RG Week website, follow on Twitter or like on Facebook.

## GambleAware hosts Scottish Parliament event

In September GambleAware, hosted an event in the Scottish Parliament to raise awareness of its work in Scotland and to highlight gambling-related problems. The event also aimed to provide practical guidance and training for members of the Scottish Parliament (MSP) and their staff on how to deal with constituents who are suffering from, or showing signs of, gambling related problems.

Guests and attendees heard first-hand from a recovering gambling addict about the problems they experienced which were directly linked to their gambling addiction but masqueraded as other common problems. Attendees were then given practical tips from local GambleAware funded organisation Fast Forward on how to prevent problem gambling through education as well as guidance from the local treatment centre on how to deal with people who are suffering from gambling addiction.

GambleAware also presented on why it was important to raise awareness of gambling related problems, to help identify problem gamblers as well as giving some suggestions of how attendees can help raise the profile of this problem through parliamentary questions and social media presence.



# Commission raises awareness of potential risks for students who gamble

We've published some tips for students about how to avoid risky gambling and the support that is available should they feel their gambling is becoming a problem. This comes following new figures indicating 2 in 3 students gamble according to our new figures. Whilst many may do so without experiencing harm, for some, gambling can lead to debt, time away from lectures and potentially lead to a longer term problem with gambling.

### Case studies

# Lancashire Police and Commission operation jails gaming machine coin thief

A man has been jailed for 20 months following a joint operation between Lancashire Police and the Commission. The man used an array of tools and equipment to steal more than £14,000 from pubs and clubs across the country. A joint investigation with Lancashire Police, using sources of evidence, such as compelling CCTV footage which identified the offender, led to the man being captured and jailed.

Helen Venn, Commission programme director for compliance said: "Here is another excellent example of how multi-agency partnerships can deliver results, and help keep crime out of gambling.

"The team working on this joint operation worked quickly and effectively, using the evidence and intelligence available to them to identify the offenders, and reduce the impact this had on both the gaming machine suppliers, the alcohol licensed premises and public."

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

### Advice and guidance

## Third machine e-learning module launched

We have been working with the Institute of Licensing (IOL) to produce a series of e-learning modules on gaming machines and have now produced the third and final module in this series.



The modules are designed to help LAs improve their understanding of gaming machines and how they are regulated.

#### Module 1 covers:

- The role of LAs in the regulation of gambling
- · What is a gaming machine
- The various types of gaming machines Module 2 covers:
  - The physical components of a gaming machine
  - How gaming machines work
- The signage displayed on gaming machines **New** module 3 covers:
  - Compliant machines in inappropriate places (illegal siting)
  - Examples of types of non-compliant machines
  - How to take regulatory action.

These modules can be accessed by anybody. You can access these modules 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 via membership@instituteoflicensing.org 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.

We are considering topics for future e-learning modules for licensing authorities and police, please submit suggestions to info@gamblingcommission. gov.uk.



We have granted a non-remote bingo operating licence to SHUA Ltd, more commonly known as Bongo Bingo, allowing them to provide facilities for high turnover bingo (ie the aggregate stakes or prizes for bingo in any seven day period may exceed £2,000). The company typically provides equal chance gaming at pubs and nightclubs throughout Britain, in reliance on the alcohol licence held by the premises, and therefore does so under the rules for exempt gaming.

LAs should be aware that one of the conditions of this operator's licence is that they must notify both the Commission and the relevant LA **at least 28 days** before any event takes place in new premises, by providing a description of the event taking place, a copy of the premises contract and any amendment to the rules to the bingo.

LAs are reminded of information in the May LA Bulletin about participation fees for bingo played as equal chance gaming in pubs and other alcohollicensed premises. LAs with concerns about alcohollicensed premises playing bingo with stakes and prizes exceeding the £2,000 weekly limit or where there is a possible fee to play, should contact their compliance manager in the first instance.

#### Lottery ticket vending machines

Lottery ticket vending machines should not be confused with B3A gaming machines that offer lottery style games but are classed as gaming machines and subject to separate and specific requirements under the Act. Further to the June bulletin item, about where such machines can be located, we have now added to the information on our website about these machines including details of how and where they can lawfully sited, and the requirements to do so.





#### House raffles

Following a recent feature on the BBC's One Show, LAs are reminded about the rise in the number of homeowners offering their house as a prize, either through people buying a ticket in a draw, or by paying to enter a competition. Our concern is that we are seeing instances where organisers are breaking the law as their scheme has been set up in a way that means it is an illegal lottery.

Raffles, or lotteries as they are called in gambling law, are where you pay to enter and the result is purely based on chance - like a tombola or draw - and there is a prize. Under gambling law lotteries are a form of gambling and there are rules about how they can be run and who can run them. The person concerned may need a licence from us or a registration with their local authority before they can promote a lottery.

Other small lotteries, such as those promoted at fundraising events can operate without specific permission but they are still subject to some basic rules.

Most importantly, lotteries can only be run for good causes – such as charities, hospices, air-ambulance services or other not-for-profit causes, they cannot be run for private or commercial gain. Charities and other non-commercial organisations who run lotteries rely heavily on the income they receive from lotteries to support the important work they do.

Last year alone saw society lotteries licensed by us raise £230million for good causes – and it is important that this area of gambling is preserved for those good causes rather than being used unlawfully for private or commercial gain.

Most of the recent house raffle schemes we are aware of have been operated as free draws or prize which are not legally caught as gambling which we do not regulate nor provide advice on how they should be organised. However, these schemes can look similar to lotteries and so we have produced guidance on free draws and prize competitions, which provide some tips on the difference between lotteries, competitions and free draws.

We continue to monitor the boundary between lotteries, competitions and free draws to make sure that people who organise lotteries operate lawfully, and if necessary, are properly licensed. We know many people running these kind of schemes will want to be creative to give their prize competition or free draw some appeal, but they must follow the rules.

LAs with concerns about house raffles in their area should contact their local compliance manager.

#### Reminder about direct access

During some recent joint visits, we have become aware of a number of breaches of the mandatory and default premises licence conditions in relation to direct access between gambling premises. Examples include:

- A family entertainment centre (FEC) and adjoining adult gaming centre (AGC) both with their own entrances from the street but with direct access between the two internally.
- Several premises where there was just an area of carpet separating the FEC and AGCs (in some instances the carpet was all the same colour)
- An arcade with direct access between the 3 AGCs and also into the uFEC.

Following discussions between the LA, us and the operator, these issues are now being rectified to achieve compliance with the conditions.



LAs are reminded of the access requirements in relation to premises. In the Act, 'premises' is defined as including 'any place'. S152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, LAs should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations (SI 2007/1409 for England and Wales and SSI2007/266 for Scotland) set out the access provisions for each type of premises. The broad principle is that **there can be no access from one licensed gambling premises to another**, except between premises which allow access to those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

These Regulations define street as 'including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not'. This is to allow access through areas which the public might enter for purposes other than gambling, for example, access to casinos from hotel foyers.

There is no definition of 'direct access' in the Act or regulations, but LAs may consider that there should be an area separating the premises concerned, for example a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.

The relevant access provisions for each premises type is as follows:

Type of premises	Access provisions
Casinos	the principal entrance to the premises must be from a 'street'     no entrance to a casino must be from premises that are used wholly or mainly by children and/ or young persons     no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
AGCs	no customer must be able to access the premises directly from any other licensed gambling premises.
Betting shops	access must be from a 'street' or from other premises with a betting premises licence     no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.
Tracks	no customer must be able to access the premises directly from a casino or AGC

Bingo premises	no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
FECs	no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track

Section 7 of the Guidance to Licensing Authorities contains detailed information about the premises licence regulations and we have a quick guide on multi-activity sites. If LAs have concerns about any new applications of this sort, or about arrangements that are already in place, please contact your compliance manager in the first instance.

### Information sharing

# Six-monthly London boroughs meeting

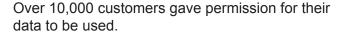
We are holding our second meeting of the year for licensing officers from London Boroughs on Thursday 5 October 2017 in Camden town hall. Updates will be provided on topics including Statement of Policies and Gambleaware. London licensing authorities should contact info@gamblingcommission.gov.uk if you haven't already received your invitation.

#### Gambling related legislation

A list of gambling related legislation is available on our website although you should verify for yourself whether legislation is in force or whether it has been amended or repealed by subsequent legislation.

## Gambleaware remote gambling research

Recently published research commissioned by Gambleaware has shown that online gambling operators can use the data they hold on customer play to spot those with gambling problems or at risk of developing problems.



In the data on gamblers' play, the research found indicators that, when considered collectively, are strong signs of potentially problematic gambling. They include:

- Average number of bets per day non-problem gamblers typically bet between 2-7 times a day, whereas problem gamblers typically bet between 5-90 times a day.
- Higher average value of bet placed nonproblem gamblers typically bet just £14 on a day when they bet, whereas problem gamblers bet on average £98.
- Time of day and week problem gamblers in the study were more likely to place bets between midnight and 4am, and to gamble throughout the week, rather than mainly on a Saturday, when non-problem gamblers do most of their gambling.
- Deposits problem gamblers make more deposits, even after taking into account that they gamble more. The occurrence of a failed deposit was also a risk indicator.
- Volatility problem gamblers in the study experienced high variation in the amount won and the amount lost, and extreme losses.

## Scottish guidance on public entertainment licences for funfairs

In July the Scottish Government published Civic Government (Scotland) Act 1982 Guidance on public entertainment licences relating to funfairs. The guidance relates to the role of Scottish LAs in considering and granting applications for funfairs. Scottish LAs are reminded of our quick guide which sets out the machine entitlements permitted at fairs and fairgrounds.

## Publication of Scottish alcohol licence numbers

The liquor licensing statistics Scotland 2016-17 were recently published, providing data on premises and personal licences in force, applications and reviews, as well as numbers of licensing standards officers (LSOs) employed and the number of occasional licences issued.

The statistics indicated:

- The overall number of premises licences in force on 31 March 2017, at just under 16,700, has shown a very slight upward trend over the last seven years, increasing by 2 per cent since March 2011. Around 70% of licences related to on sales only. Under the Gambling Act 2005 premises holding alcohol premises licences have an automatic entitlement to operate certain types and numbers of gaming machines.
- Scottish local authorities employed a full-time equivalent of 57 LSOs at March 2017, the same as in 2016. The City of Edinburgh employed the largest number of LSOs with a full time equivalent of seven, with Aberdeenshire, Fife and Glasgow each employing four.

#### Gambling training modules for LAs

We have a number of refresher modules for licensing officers which compliance managers can deliver at these at regional/IOL licensing meetings. Modules available are:

- · Money laundering new
- · 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.

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



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).

A set of frequently asked questions is available on the PA register (log in then search of for a PA gambling partnership – listed above– and then go to the advice/information section of the register).

They explain the background to PA gambling agreements and the difference between PA advice and NIS. The FAQs set out how operators use third party age verification testing, how the tests are conducted and what having a PA relationship means.

# 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
- 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
- Police statutory powers under the Gambling Act

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.

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 and third parties running poker in clubs.

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 were last updated in October 2016 and now include a simple risk rating system for LAs to use as part of their inspection planning if required. At the same time, 2 new assessment templates were added – a machine monitoring checklist and a crime and anti money laundering checklist. You can find the assessment templates 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.

In addition 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.

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 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 6 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-todate, 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