



# GAMBLING COMMISSION

licensing authority bulletin

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



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

## News

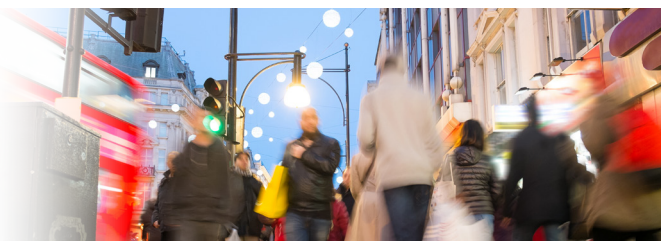
### Gambling Commission wins Greene King appeal

The Upper Tribunal has found that the Commission acted within its powers when it refused to grant Greene King a bingo operating licence to provide commercial bingo in its pubs.

At a hearing in London, Greene King's lawyers argued that the Commission had exceeded its powers when it refused to grant a licence enabling Greene King to offer bingo as well as high stakes B3 and B4 gaming machines in some of its pubs. They argued that the Commission's refusal trespassed on the territory of licensing authorities carrying out their premises licensing function.

Judge Howard Levenson rejected those arguments. Instead he found that the Commission has the legal power to refuse an application for an operating licence if it considers granting the application would not be reasonably consistent with the licensing objectives. He therefore ordered the case to be sent back to the First-tier Tribunal for reconsideration.





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Helen Venn, Commission programme director, said: "We welcome the Upper Tribunal's decision, which clarifies the Commission's powers.

"In our view commercial betting, gaming and bingo and any associated high stakes and prize machines, should only be provided in separate premises licensed for that specific purpose – premises that adults make a deliberate choice to visit in order to gamble."

The outcome has been picked up by the press including the [Local Government Lawyer](#).

## Gambling participation and rates of problem gambling annual report

We have published [data relating to gambling participation, rates of problem gambling, perceptions of gambling for 2015](#), and for the first time the reports include information about how people gamble online – the devices they use to gamble, where they gamble, and the number of accounts they use.

The key findings from the data are:

- Participation in gambling has fallen from 57% in 2012 to 45% in 2015 - this can be attributed to National Lottery draw participation dropping from 46% to 32% in the same period and is consistent with what we have seen in previous participation reports.
- National Lottery draws remain by far the most popular gambling activity followed by other lotteries and scratchcards.
- At 0.5% of the population rates of problem gambling are static – 2015 (0.5%) and 2014 (0.5%).
- Those aged 18-24 are most likely to be problem gamblers (1.1%), and 1% of men were problem gamblers in 2015 compared with 0% of women.
- 25-34 year olds are most likely to use mobile and tablet devices, bet in-play and gamble outside of the home.
- Laptops are the preferred devices amongst all age groups for online gambling whilst those aged under 45 are most likely to use mobiles or tablets to gamble in addition to laptops.



## Research exploring area vulnerability to gambling related harm

In 2015, Manchester and Westminster Councils along with the Local Government Association (LGA) commissioned Geofutures to undertake research to explore area based vulnerability to gambling related harm. The first report published last July identified those groups/characteristics that were vulnerable and this month the second report has been published which develops a gambling related harm risk index.

The reports identify the risk groups, their location and density in the two cities and this will inform the consultations on their respective *Statement of Licensing Policy* and will also assist operators with their premises risk assessments.

Both reports along with the Mapcase tool are available on [Geofutures' website](#). The reports have been picked up by national and local press including the [BBC](#).

## Licensing authority annual returns

In early March we will be writing to LAs, advising them to start to prepare for their annual return covering the period 1 April 2015 – 31 March 2016 which should be submitted between 1 April and the 13 May 2016 (please do not submit your return before the 1 April or you will be asked to resubmit it).

A further letter will be sent out in early April reminding LAs to submit and providing details of the online portal.





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Please contact [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk) if you do not receive a letter by mid-March.

It is a requirement under the Gambling Act 2005 (the Act) 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 together with a spreadsheet which will enable you to compare your authority with others across Great Britain.

We were delighted that all 380 LAs submitted their returns last year and contributed to [the report](#) but a small number needed repeated chasing culminating in having to contact CEOs directly.

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

## Advice and guidance

### Unlicensed Family Entertainment Centre (uFEC) queries

A number of LAs have been in touch with us expressing concerns about circumstances in which uFEC/FEC operators, who had previously obtained a permit for, say, an entire shopping centre are now applying for a number of permits for the same shopping centre.

However, despite this change in approach, the machines are planned to be offered in the corridors or pavements of the shopping centre rather than a premises.

LAs should in the first instance seek reassurance that each permit applies to a premises (see [Guidance to Licensing Authorities](#) (GLA) Part 7.5 -7.8 and Part 24) and for further explanatory detail consult the LA Bulletin of October 2014. If an LA is in any doubt when receiving such an application please consult your local compliance manager.

## Case study

### London Borough of Haringey seize illegally sited machines

The London Borough of Haringey and police found and seized seven illegally sited machines in January 2015 from a club as part of a joint operation with the Commission. This was a multi-agency, intelligence led operation designed to address the concerns of residents, businesses and the police within the Borough. These concerns related to the unlawful activities of a minority of business who engage in various types of environmental crime and criminal behaviour. Among the machines seized were a variety of Black Horse gaming machines, Joker Poker gaming machines and an internet betting terminal.

LAs are encouraged to send case studies for inclusion in future bulletins. Please supply details to [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Machines seized in Haringey





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## Premises risk assessments

We have recently written to operators reminding them that the new social responsibility code for assessing local risk (10.1.1) will come into force on 6 April 2016.

The code requires all non-remote operators who are also gambling premises licences holders to conduct an assessment of the local risks to the licensing objectives and demonstrate that they run their premises in a way that will mitigate these risks.

When undertaking their local risk assessments operators must take into account relevant matters identified in the local LA's statement of licensing policy and, where available, local area profiles.

Whilst there is no statutory requirement for licensees to share their risk assessments with responsible authorities or interested parties, ordinary code 10.1.2 states that licensees should share their risk assessment with LAs on request as best practice.

Some LAs have included in their statements of licensing policy that they expect to see the risk assessment when undertaking inspections. We therefore consider it appropriate for operators to hold premises' risk assessments on the premises. Doing so can also save considerable time and expense, as well as increasing the confidence of those agencies as to the operator's awareness of their obligations.

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

## Enforcement of risk assessments

After 6 April, if an LA finds a premises without a risk assessment, in the first instance they should be reminded of the code requirements and advised to put one in place.

In these circumstances LAs are also encouraged to advise their local compliance manager of the action requested of the operator. Where the Commission finds a risk assessment is missing it will similarly advise the operator to comply and inform the relevant LA accordingly.

An outright refusal or failure to produce a risk assessment within a given timeframe would be a refusal to comply with a social responsibility code and would be a matter for the Commission to manage.

LAs must satisfy themselves that the content of the risk assessment is sufficient and whether it has taken into account the information about risk assessments in their *Statements of Licensing Policy*.

LAs are encouraged to engage with operators about their expectations for local risk assessments, and to include information in their statements, if they have not done so already.







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### Multi-operator self-exclusion schemes

As of 6 April 2016 operators in the arcade, betting, bingo and casino sectors will be required to participate in a multi-operator self-exclusion scheme developed for the sector for which they hold operating licences (social responsibility code 3.5.6). This will allow a customer to make a single request to be excluded from multiple operators within that sector. We recently wrote to operators to remind them of the requirement and signpost them to the schemes.

The trade bodies have led on the development of multi-operator self-exclusion arrangements for their sector (not just their members). If operators in your area are unsure of how to register and participate in the scheme relevant to them (or schemes if they offer different forms of gambling), you can signpost them as follows:

Arcades	Betting	Bingo	Casino
Phil Silver Head of Compliance BACTA 29-30 Ely Place London EC1N 6TD Tel: 020 7730 6444 Mobile: 07860 468986 Email: bacta@ globalnet.co.uk	Email the Scheme Project Manager at info@self- exclusion. co.uk	Cherry Hosking Company Secretary Lexham House, 75 High Street North, Dunstable, Bedfordshire LU6 1F Tel: 01582 860921 Mobile: 07787 766510 Email: cherry@bingo- association. co.uk	Tracy Damestani CEO Carlyle House 235-237 Vauxhall Bridge Road Victoria London SW1V 1EJ Tel: 020 7828 5410 Fax: 020 7932 0751 Mobile: 07803 708880 E-mail: ceo@ nationalcasino forum.co.uk

### Deregulation of exempt lotteries

A **Legislative Reform Order (LRO)** changing some of the requirements for exempt lotteries was passed in January 2016 and is due to come into force on 6 April.

The LRO amends Schedule 11 of the the Act to deregulate certain types of exempt lotteries, in defined circumstances.



### Incidental non-commercial lotteries

To allow incidental lotteries to be held at both non-commercial and commercial events, and to allow the results of such lotteries to be announced after such an event. These lotteries will be renamed 'Incidental lotteries'.

Private lotteries. There are three types of private lotteries permitted by the Act

#### 1. Private society lotteries:

To allow private society lotteries to be also promoted for any charitable or non commercial purpose (currently lotteries may only be promoted and proceeds raised for the purposes for which the society is conducted). To remove the requirement for a lottery ticket to contain certain information.

#### 2. Work lotteries:

To allow work lotteries to be also promoted for any charitable or non commercial purpose (currently work lotteries must not be run for profit and all the proceeds (gross ticket sales) must be used for prizes or reasonable expenses incurred in organising the lottery). To remove the requirement for a lottery ticket to contain certain information.

#### 3. Residents' lotteries:

To allow residents' lotteries to be also promoted for any charitable or non commercial purpose (currently residents' lotteries must not be run for profit and all the proceeds (gross ticket sales) must be used for prizes or reasonable expenses incurred in organising the lottery). To remove the requirement in all private lotteries for a lottery ticket to contain certain information.



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Further information is available in the [LRO explanatory note](#), particularly Appendix 1 which sets out the changes being made to Schedule 11 of the Act.

We will be reviewing and updating the information on the Commission's website by the end of March to reflect these changes. We recommend that LAs review and update any advice they have published relating to these lotteries.

### Private society lotteries

We have become aware of some recent cases where LAs have reported that some private members clubs have been rolling over unallocated prizes in private society lotteries from one lottery to another. In some cases the roll over prize funds involved significant sums of up to £20,000. LAs are reminded that under the Act (schedule 11, part 2, 19) a rollover of unallocated prizes is prohibited in all private lotteries. The category of private lotteries includes private society, work and residents lotteries. This prohibition of rollovers in private lotteries will continue following the abovementioned LRO due to come into force on 6 April.

### Small society lottery records

We have recently received a couple of enquiries regarding the length of time for which an LA should retain a small society lottery's returns. The Act, at Schedule 11, para 55 (1) states that it should be retained for 18 months and be made available for inspection by a member of the public.

The GLA, at paragraph 34.53, requests that an LA retains returns for a period of three years in the event that the Commission may need to inspect the returns. To clarify matters, the Commission's interest, although unlikely, would be a regulatory one, hence the longer time period.

### Case studies, templates and case law

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

We have recently added [links to relevant reading materials](#) and sources of information in relation to various topics namely:

- Gambling in pubs/clubs
- Poker in pubs/clubs
- Small society lotteries.

Which should make it easier for LAs to see at a glance the range of materials available to them on a particular topic.

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

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

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

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





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## Licensing authority inspection outcome letters and inspection guidance

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

We also jointly created a suite of letters to assist LAs in communicating the assessment outcome to operators. These documents have just been updated to reflect the new social responsibility codes that came into force in May 2015.

You can find the [assessment templates at the LLEP website](#).

## Consultation

### Controlling where gaming machines may be played – closing date extended

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

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

- with very few low-risk exceptions<sup>1</sup> gambling should be confined to dedicated gambling premises ie casino, betting or bingo premises
- distinctions between different types of licensed gambling premises are maintained
- gambling activities are supervised appropriately
- within bingo, betting and casino premises gaming machines must only be made available in combination with the non-remote gambling facilities<sup>2</sup> named on the operating licence.

<sup>1</sup> Low risk exceptions would include pubs and clubs

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



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

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

## Information sharing

### Gambling information on LA websites

A recent dip sample of LA websites, highlighted a wide range of information provided to applicants and interested parties, with some sites hosting out of date or incomplete information.

In some cases the information was very hard to find, gambling fees in particular, which are often listed as part of the wider council fees and charges, but are not signposted from the gambling section of the council's website.

There are some items that LAs must publish on their websites and, whilst the rest is good practice, we would encourage LAs to be as open and transparent as possible in providing information to potential applicants.



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LAs are required to publish their statement of licensing policy on their websites (The Gambling Act (Licensing Authority Policy Statement) Regulations 2006) and s156 of the Act requires LAs to keep a register of premises licence issued and ensure that the location of their premises register, if not already on the website, is clearly stated, along with where and when it can be viewed (eg in the council offices) and the cost of obtaining copies.

LAs should ensure that information is available on how to make applications for licences and other permissions. There are a range of statutory [application forms and notices that LAs are required to use](#) and these are available on the Commission's website.

There are no prescribed forms for family entertainment centres, prize gaming or licensed premises gaming machine permits. As such, the LA will need to make clear how applications for these permits should be made and in what form.

LAs are encouraged to ensure that a full list of responsible authorities and their appropriate contact details are also readily available along with information about how to make representations and who to apply to review a premises licence. Finally, LAs are strongly encouraged to make their gambling fees public, remembering that the maximum fees are set out in [The Gambling \(Premises Licensing Fees\) \(England and Wales\) Regulations 2007](#), cannot be exceeded when LAs are undertaking their annual review of fees. Premises fees in Scotland are centrally set.

### Update on the development of a national responsible gambling strategy

We previously advised you of the [Responsible Gambling Strategy Board's](#) (RGSB) consultation on its draft responsible gambling strategy for 2016-17 to 2018-19. The purpose of the strategy is to encourage responsibility in gambling, to reduce or mitigate gambling-related harm, and to increase the protection of the vulnerable. RGSB will shortly be publishing a response to the consultation which will summarise the key issues emerging from the consultation and the Board's position on those points.

The intention is that the final version should be regarded as the national strategy for responsible gambling and be implemented by all those organisations with a responsibility for minimising gambling-related harm. RGSB were encouraged by the broad level of support from stakeholders for the overall aims, vision and priorities in the draft strategy.

Key priorities in the final strategy will focus on understanding more about gambling-related harm, for example what causes it and how it can be identified and measured and increasing engagement with a wide range of public bodies and other agencies to encourage greater sharing of responsibility for minimising gambling-related harm.







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The strategy will also focus on establishing a culture where trialling and testing is encouraged and independent evaluation is embedded within organisations. Improving methods of identifying harmful play and piloting interventions to support players where risks are identified are also key themes.

Other priorities include strengthening the research and evidence base, building the capacity and capability of treatment provision and widening its availability, and ensuring that the public, including gamblers themselves, are engaged in the development of future support.

RGSB is in the process of amending the strategy in light of the responses received and will shortly be submitting it to the Commission as formal advice. It will also be published on the RGSB website by April with a supporting action plan.

If you have any queries on the strategy or wish to receive a copy when it is published please email the RGSB secretariat on [info@rgsb.org.uk](mailto:info@rgsb.org.uk)

## House of Commons briefing paper on FOBTs

LAs may be interested to see this paper which covers the [background on fixed odds betting terminals \(FOBTs\)](#) and changes to regulations, ongoing concerns and research into the issue of gaming machines and gambling related harm.

## 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. These have been recently updated to reflect the changes in GLA5, new case studies and materials. Modules available are:

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

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



## Reference materials

### FAQ of the month

This month's featured frequently asked question is: [Can I use social networking sites such as Facebook and Twitter to promote my lottery/raffle?](#)

The response sets out the legal requirements for running lotteries, and signposts to further information:

### Only for good causes

Lotteries in Great Britain can only be promoted by charities and other good causes. They cannot be promoted for private or commercial gain.

### Lotteries promoted on social media

Many of the lotteries we have seen promoted on social networking sites are unlawful and we work with those sites and the payment processors to close those lotteries down.

As well as committing a criminal offence, the promoters of such lotteries may be breaching the terms and conditions of the site so could have their profile removed.

### It is a criminal offence under the Gambling Act to promote an unlawful lottery

If you run or promote a lottery on a social network, you could be acting unlawfully and could face prosecution. If convicted, you could be fined, imprisoned or both.



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### You may need a licence

The law sets out specific requirements for those running a lottery. You may need a licence from the Gambling Commission or a registration with a local authority. Make sure you understand the requirements before you start to run a lottery.

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

### List of Primary Authority gambling agreements

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

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

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



### Quick guides: now more print friendly

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

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

- [Gaming machines in pubs](#)
- [Race night, casino night or poker night](#)
- [Members club or commercial club](#)
- [Poker in clubs](#)
- [Poker in pubs](#)
- [Facilitating betting in pubs is illegal](#)
- [Skills with prizes](#)
- [Illegal gaming machines](#)
- [Lottery ticket dispensers and B3A machines](#)
- [Illegal siting of gaming machines](#)
- [Fairs and fairgrounds](#)
- [Society lotteries, ELMs & service providers](#)
- [Running a lottery](#)
- [Running prize competitions and free draws](#)
- [Multi-activity sites](#)

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

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





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### Gambling Act statutory notices and forms

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

### Using the right forms

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

Licensing authorities also have statutory duties to notify the Commission as well as the applicant and other responsible authorities, of the grant/rejection of applications (new, variations, transfers etc) as well as the revocation, surrender or lapse of a premises licence using the correct statutory forms.

Having all the statutory forms (both in English and in Welsh) in one place should help you to comply with those statutory processes.

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

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

### Premises licence register

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

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

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

### Find operating licence holders

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



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## Join our LinkedIn group

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

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



**Keeping gambling fair and safe for all**  
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