



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

Licensing authority annual returns: deadline 13 May

In early March we wrote 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. A further letter was sent out in early April reminding LAs to submit and providing details of the online portal. Those that have yet to submit have been sent a 'two weeks to go' reminder letter.

It is a requirement under the Gambling Act 2005 that LAs submit annual information regarding licensed gambling activities, inspection and compliance work. The return is also part of the (DCLG) Single Data List of information which local authorities are required to provide to central government.





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A report analysing the returns will be published later in the year and an accompanying spreadsheet which enables you to compare your authority with others across Great Britain.

We were delighted that all 380 LAs submitted their returns 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 to Heads of Service and ultimately CEOs. Please contact info@gamblingcommission.gov.uk if you have not received any correspondence about the annual returns.

RGSB launches new national responsible gambling strategy

Earlier in April the Responsible Gambling Strategy Board (RGSB) published a **new strategy** aimed at minimising gambling-related harm over the next three years.

The strategy, produced following a public **consultation** last year, covers all forms of gambling and sets the agenda for a wide range of organisations - gambling operators, regulators, commissioning organisations, government, trade bodies, treatment providers, local authorities and a number of other public agencies. It sets out a vision to explain what a desirable outcome will look like. The vision is ambitious and achieving it represents a significant challenge that will require expertise, resources and commitment from a diverse range of stakeholders.

The strategy has five priority objectives and 12 priority actions to encourage responsibility in gambling, to reduce or mitigate gambling-related harm, and to increase the protection of the vulnerable. In recent years some positive steps have been taken to tackle gambling-related problems. This strategy is designed to build to these foundations and to tackle issues where the pace of progress has been insufficient.



Licensing authority annual review of premises fees

We are aware that some LAs only review their fees every three years but we would encourage you to do so annually, at this time of year.

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

The Department for Culture Media and Sports' (DCMS) guidance to LAs on setting premises licence fees states that: "Licensing authorities should therefore review and publish their fees annually to ensure that the income from the premises licence fees in any one accounting period (ie in any full financial year) does not exceed the full costs incurred by the authority in carrying out the relevant functions."

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

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



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Gambling changes in Scotland Act 2016

On 23 March, the [Scotland Act 2016](#) completed its parliamentary stages at Westminster and received its Royal Assent. [Clause 52 of the Act](#), devolves some further limited powers over gambling to the Scottish Parliament and Scottish Government ministers.

Currently betting, gaming and lotteries are all matters reserved to Westminster, however, the Scotland Act 2016 will devolve legislative competence in relation to gaming machines authorised by a betting premises licence where the maximum charge for a single play is more than £10. The Gambling Act 2005 would be amended so the Scottish Ministers would be able to vary the number of machines allowed on betting premises. The power will only apply to applications for new licences and does not include betting premises licences issued in respect of a track. As yet we have no indication as to when these provisions will actually come into effect.

Scottish Government response on consumer policy

On 23 March the [Scottish Government published its response](#) to the report of the independent [Working Group on Consumer and Competition Policy](#) for Scotland which was established in June 2015 to consider optimal arrangements for the consumer protection and competition landscapes and to advise the Scottish Government on how best to deliver its vision for consumers. The Working Group's report with recommendations was submitted to and published by the Scottish Government in October 2015.

In its response the Scottish Government said it would: "...stand up for legitimate businesses in Scotland by holding those that flout the law to account. We want to transform the culture so that consumer protection is a tool for businesses to improve and stay competitive, rather than a burden... Over the coming months, we will be engaging with stakeholders in order to develop detailed proposals for implementation."

ABB letter to councils about national self-exclusion scheme for betting shops

The Association of British Bookmakers (ABB) has written to all council Leaders setting details of the national support scheme for problem gamblers which allows customers, who would benefit from a break in their gambling, to ban themselves from betting shops close to where they live, work and socialise in one go.

Previously customers would have had to visit multiple venues to ban themselves from each operator, they can now do so in one move by phoning the Central Self-Exclusion team. The customer just calls the free-phone helpline on [0800 294 2060](#) where they will speak with a trained advisor to develop a self-exclusion area that best suits their needs.

The new scheme is being widely promoted in betting shops where staff are trained to be able to identify signs that a customer might be having problems with their gambling and to sign-post them to services such as the multi-operator self-exclusion scheme or gambling support services such as GamCare or the National Gambling Helpline.

New Commissioners announced

Five new commissioners have joined the Gambling Commission Board, appointed by the Secretary of State for Culture Media and Sport following a competitive appointments process. [Biographical details](#) are available for John Baillie, Stephen Cohen, Sarika Patel, Simone Pennie and Catherine Seddon.

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Case Studies

Test purchasing in Blackpool

In [last month's Bulletin](#) we described age verification testing work that had been carried out last year by local authorities in partnership with the Commission. We also said we would do more testing operations in 2016.

Earlier this month, there were eleven tests in an operation in Blackpool. In four of the tests, the underage volunteer was challenged on entry. In three, the challenge only occurred after the tester had been able to gamble. In the remaining four tests, there was a failure to challenge at all. The tests exposed a need for improved training at some of the premises. Also, one of the adult gaming centres has already taken steps to address the issues that contributed to its failed test by reducing the number of entrances to the premises enabling the others to be more effectively monitored.

We would like to hear from any local authorities that would like to work with us in this area. Please contact your compliance manager in the first instance if you are interested in taking part.

Illegal betting in Aberdeenshire – follow-up actions

In [January's LA Bulletin](#), we reported on a multi-agency exercise undertaken by the Commission, Police Scotland and officers from Aberdeenshire's licensing (authorities) boards in response to suggestions of illegal betting in a number of licensed public houses in the north-east of Scotland.

Following the operation, LAs may be interested in the additional steps taken by Aberdeenshire to address the issues which were identified.

After the visits to pub premises, a number of them were identified as potentially being in breach of the provisions of sections 33 and 37 of the Gambling Act 2005 by facilitating illegal betting. Reports on the joint exercise were made by licensing standards officers (LSOs) to each of the three licensing boards in Aberdeenshire.

These reports were noted by the boards at their February meetings and it was agreed that the premises identified as being potentially involved would receive a full compliance visit by their LSOs during which they would be issued with a copy of an Information Bulletin prepared by the boards and a copy of the Commission's [Facilitating betting in pubs and clubs is illegal](#) information leaflet which they would be required to acknowledge receipt of.

Additionally, all pub licensed premises across Aberdeenshire will be issued with the same information during regular planned visits by LSOs. The issues raised by the joint exercise will be mentioned at other LSO meetings with licensees locally, including local PubWatch meetings.





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The intention is to remind publicans and other business operators that they should not be allowing their premises to be used for betting or providing facilities for betting and those individuals who facilitate illegal betting risk possible imprisonment and/or a significant fine.

The boards will receive an update on the action taken by LSOs at future meetings.

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

Advice and guidance

Permit deadlines

Thanks to advice from an LA at a recent meeting it has come to our attention that various gambling permits (such as those applicable to machines in unlicensed family entertainment centres and clubs) will be coming up for renewal over the course of the next 12 months. Schedules 10, 12 of the Gambling Act provide the details required. Permits either lapse or have to be renewed after ten years. Since the early days of the Act everyone's understanding has improved greatly and the circumstances under which a permit was originally granted may have changed. The LA in question has put in place plans to review all the permits issued to assess their ongoing suitability.

SSBTs at dog tracks

LAs are reminded that the use of Self Service Betting Terminals (SSBTs) constitutes remote gambling, and must be licensed as such by the Commission.

We recently become aware that some dog tracks were making SSBTs available at the track without the proper authorisation and as such the provision of SSBTs was unlawful.



If an operator with a general betting and /or pool betting operating licence, who also holds a track premises licence issued by the LA, wishes to site SSBTs at the track, an ancillary remote pool betting operating licence is also required.

We have written to the relevant tracks/operators advising to apply to us for an ancillary remote pool betting licence and also informed the LAs where the tracks were located.

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.



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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 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.

Licensing authority inspection outcome letters and inspection guidance

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

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

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



Information sharing

Examples of risk assessments/local area profiles

Westminster City Council has produced a [guide to undertaking local gambling risk assessments](#) and associated template. In developing this guide the council has worked with Corals who provided an industry perspective on undertaking this new process. Westminster and Manchester councils have also produced [online mapcase tools](#) with Geofutures.

Leeds City Council amended their [Statement of Licensing Policy](#) last year to include information about the local area and have since worked with their GIS (geographic information systems) and Intelligence team to put together a [mapping tool](#) which provides a map of Leeds with various data overlaid, such as indices of multiple deprivation, jobseeker allowance claimants, crime and disorder and are currently exploring whether some public health data can be added.

Following the review of their policy Statement of Licensing Policy, South Derbyshire District Council has published a [local area profile plan](#), and its expectations for premises risk assessments, including having regard to the location of schools, colleges and youth centres; supported housing for those with drug and alcohol issues; and deprived areas.



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Exeter City Council has developed a **local area profile**, which takes into account a number of factors including schools, sixth form colleges, youth centres etc, with reference to the potential risk of under-age gambling; hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling amongst these groups and the socio economic makeup of the area.

Simon Blackburn, chair of the Local Government Association's Safer and Stronger Communities Board recently wrote an **article in First magazine** on how local risk assessments will help councils manage the potential harm from gambling operators.

Info sharing with LAs

Over the next couple of months we will be extending the range of information that we share with LAs on a routine basis, which we hope will inform with your existing compliance work and also assist the Commission build up its knowledge of operators.

Currently the Local Authority Compliance Event notices (LACE referrals) are sent out from our contact centre. From May you will receive these referrals from your local compliance manager, which we hope will ensure they reach the person best placed in the LA to deal with the query and ultimately improve on the current response rate to LACE referrals.

From now on your local compliance manager will notify you in advance if they are undertaking a Commission visit to a gambling licensed premises in your area. This will provide an opportunity for you to share any compliance/enforcement related issues you have about that premises, and we will share back with you any findings which relate to the premises licence. We will also let you know if the risk assessment is missing and the timescales agreed for it to be produced.

Similarly we would be grateful if you could notify your local compliance manager if you visit a premises without a risk assessment in place.

Compliance managers will also be sharing with you details of any failures in age verification processes in premises in your area. Operators are required to notify us of such breaches, as part of the LCCP reporting process, and we will share this information with you.

On a 3 monthly basis we will continue to share with relevant LAs, details of any operators no longer holding a Commission operating licence.

New Regulatory Delivery directorate

A new BIS directorate (Department for Business, Innovation and Skills) has been launched bringing together the Better Regulation Delivery Office (BRDO) and the National Measurement and Regulation Office (NMRO) to focus on regulation and enforcement.

Regulatory Delivery will work to ensure that the way regulation is enforced is proportionate and risk-based, delivering existing functions such as Primary Authority, legal metrology and hallmarking policy, technical regulation and enforcement work.





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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: [What are the circumstances for running bingo without a bingo operating licence?](#)

The response provides information on circumstances when a bingo operating licence is not required including playing bingo for fundraising purposes, at pubs and clubs and on bingo machines.

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](#)



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- Illegal gaming machines
- Lottery ticket dispensers and B3A machines
- Illegal siting of gaming machines
- Fairs and fairgrounds
- Society lotteries, ELMs & service providers
- Running a lottery
- Running prize competitions and free draws
- Multi-activity sites

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

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

Gambling Act statutory notices and forms

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

Using the right forms

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

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

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

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.



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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.

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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