



# 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

### Successful gambling day of action

As part of its 20th year activities to raise awareness generally about licensing and its impact on everyday lives, the Institute of Licensing held its *first annual licensing awareness week*. The Commission joined the gambling day of action on 21 June with our compliance managers supporting a number of joint visits with LAs around the country using the inspection templates for assessment at gambling premises developed by the *Leicester, Leicestershire and Rutland Licensing Forum* and the *Leicester and Leicestershire Enterprise Partnership* (LLEP).

Various gambling licensed premises including betting shops, adult gaming centres, casinos, motorway service areas and tracks were inspected and there was also a workshop with LAs focusing on premises risk assessments.

Many thanks to all the LAs that participated in the coordinated day of action which was well received by licensing officers, we look forward to working with the IOL during its licensing week of action next year.





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## Betfred licence review

Betfred will pay more than £800,000 in compensation and in contribution towards socially responsible causes as part of a **regulatory settlement following a licence review**.

This payment follows failures by the operator in its anti-money laundering and social responsibility policies, the latest in a number of similar settlements over the past few years. Under the settlement Betfred must also conduct an independent third party review and audit of its anti-money laundering and social responsibility policies and procedures. This will include customer due diligence, enhanced due diligence and on-going monitoring practices.



## Latest industry statistics published

The figures provide an **up-to-date picture of the gambling industry in Great Britain** - including almost a year's worth of data from all operators offering online gambling, building on the the last set of industry statistics released in November 2015 and are based on information provided to the Commission by licensed operators.

Some of the headlines include:

- £12.6bn - Total Gross Gambling Yield (GGY) for the Great Britain gambling industry (October 2014 - September 2015). This compares with £11.2bn reported in the April 2014 - March 2015 industry statistics.

- 29% (£3.6bn) of the gambling market share is remote (online) betting, bingo and casino (October 2014 - September 2015). This remains steady, showing little change from the first five months' worth of online data published in November 2015, following changes in the law which meant the online sector was regulated by the Commission under a point of consumption regime.
- 8,809 - The number of betting shops (March 2016) decreased by 1.9% compared to 8,975 in March 2015.
- 1,721 - The number of arcades (March 2016) fell by 11.1% compared to 1,937 in March 2015
- 34,704 - The number of B2 machines in betting shops decreased by 0.5%. A total of 34,894 was reported in the last industry statistics report (April 2014 - March 2015). The GGY from these machines increased by 1.5% from £1.68bn to £1.71bn).
- 599 - The total number of bingo premises (March 2016) decreased by 10.1% to 599 compared to March 2015, with an increase in bingo game GGY (October 2014 - September 2015) of 4.9% - the first increase since April 2011 - March 2012

## New DCMS Secretary of State

Karen Bradley is the new Secretary of State for Culture, Media and Sport. Tracy Crouch remains the Minister for Sport (including gambling).

## New Scottish Government Ministers

Following the Scottish Parliament elections on 5 May 2016, Ministers have been appointed to the Scottish Government's Cabinet. Retaining his role as Cabinet Secretary for Justice is Michael Matheson MSP who will also continue to have responsibility for devolved aspects of gambling matters in Scotland. Annabelle Ewing MSP was appointed as the **Minister for Community Safety and Legal Affairs** in the Scottish Government and serves as Mr Matheson's Deputy.





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In addition, the Scottish Government's two law Officers both stood down after the elections with James Wolffe QC becoming the **new Lord Advocate** in which capacity he is the ministerial head of the Crown Office and Procurator Fiscal Service (COPFS) leading the system of criminal prosecutions in Scotland. The new Solicitor General is Alison Di Rollo who is the Lord Advocate's Deputy and who also serves as a Minister in the Scottish Government.

## Full house! Licensing authority annual returns

We are pleased to say that all 380 LAs submitted their annual returns for the third year running. The report analysing the returns is due to be published at the end of September 2016.



**Illegal machines seized in Enfield**



## Case studies

### Illegal machine operation in Enfield

In June, we assisted the London Borough of Enfield in an illegal machines multi-agency operation including the police and HMRC, visiting mainly social clubs. Prior to the operation the LA had written to all the premises in the borough warning re the consequences of offences of siting of illegal gaming machines. A variety of 19 illegal gaming machines including a betting terminal were seized (pictured).

The betting terminal was housed in an "Impulse" cabinet which displayed Facebook and YouTube logos. The LA will be issuing cautions and costs to all premises owners and HMRC will fine premises owners for non-payment of gaming machines duty.

### Training events in Aberdeen and Clackmannanshire

In June we gave a presentation to the regional meeting of the north of Scotland group of Licensing Standards Officers (LSOs) in Aberdeen, and similarly in July we presented to the east of Scotland LSOs at their meeting in Alloa.

The presentation focused on a range of gambling related issues which LSOs may encounter when making routine visits to alcohol licensed premises using their powers under the Licensing (Scotland) Act 2005.

Topics covered included illegal betting, illegal gaming machines and illegally sited gaming machines and explained how licensing officers should respond if any of these issues are identified in pubs and clubs.

Further presentations by the Commission are planned for other regional groups of LSOs in Scotland over the coming months.

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)



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### 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.



### 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

### Proposals for Commission fees from April 2017

DCMS and the Commission have published a joint [consultation on proposed changes to fees](#) for operating licence holders. We expect the proposals to mean fee reductions for around 1,900 operators while fees would be held at their current levels for around 1,000 operators, and fewer than 100 would be subject to an increase in fees.

The closing date for the consultation is 9 September and any changes to operating licence fees would be implemented in April 2017.





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## Advice & guidance

### Response to controlling where gaming machines can be played consultation

On 11 July we published *Controlling where gaming machines may be played: Amendments to licence conditions and codes of practice (LCCP) and Guidance to Licensing Authorities (GLA)*.

This is our response to the consultation exercise carried out between November 2015 and March 2016 which was held in order to:

- restate the strict control of gaming machines under the Act, whereby entitlements vary dependent on the type of premises licence held
- respond to calls from the industry and licensing authorities for greater clarity on the Commission's objectives, requirements and approach to licensing and compliance
- propose proportionate and effective controls from the Commission and licensing authorities to use where appropriate.

As well as the written responses, we have taken account of comments made during stakeholder meetings and a workshop held between December 2015 and March 2016.

The changes are aimed at ensuring the policy objectives below are embedded consistently across the non-remote betting, bingo and casino sectors thereby ensuring higher stake and prize gaming machines are made available in a socially responsible manner.

- with very few low-risk exceptions, 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 named on the operating licence.

In the GLA, we flagged the likely amendments to be added following the consultation. The revised guidance sets out the:

- policy objectives that underpin the approach to controlling where higher stake and prize gaming machines may be played
- new LCCP requirements for licensing authorities to take account of
- recommended approach to delivering the above policy objectives and the relevant powers available to licensing authorities.

The new LCCP provisions and associated changes to the GLA (parts 17, 18, 19) will come into effect in October 2016, and we will advise LAs nearer the time when the changes take effect, but for now the current GLA information should be followed.

Where local authority officers have concerns regarding a novel or contentious business model, they should contact their compliance manager at the earliest opportunity and we will be happy provide support.





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## Premises local risk assessments reminder

We are now nearly four months on since LCCP Social Responsibility Code 10.1.1 came into force which 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.

We have been made aware of some comprehensive risk assessments, which have taken into account relevant matters identified in the local LA's statement of licensing policy and, where available, local area profiles. However, we are receiving regular feedback from LAs as well as Commission staff when undertaking visits to both large and small operators, that the local staff/manager in the premises are not aware of the local premises risk assessment, and there is no copy on the premises.

We have some examples of a health and safety assessment being produced instead, and some premises risk assessments in the form of a standard checklist completed at head office, with no regard to the local circumstances.

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 good practice. We are aware that 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 LAs' confidence as to the operator's awareness of their obligations.

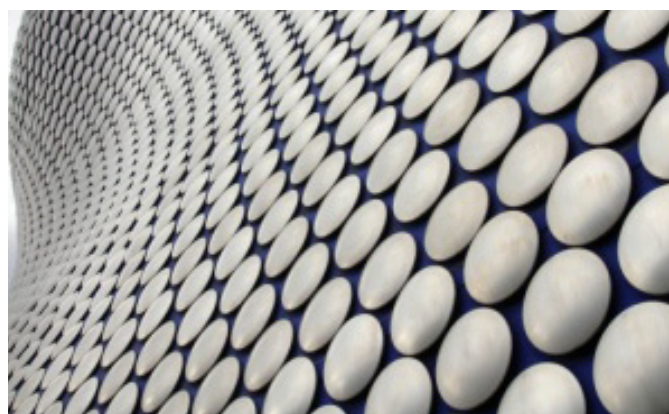
The [March 2016 LA Bulletin](#) advocated an initial enforcement approach whereby if a LA finds a premises without a risk assessment, in the first instance they should be reminded of the code requirements and advised to put one in place and to let their local compliance manager know. LAs are best placed to consider whether the content of a risk assessment are sufficient and has taken into account the information in their statements of licensing policy. The LA are more aware of risks and issues within a specific locality, however an outright refusal or failure to produce a risk assessment within a given timeframe would be considered a refusal to comply with a social responsibility code and would be therefore a matter for the Commission to manage.

## Anti-money laundering (AML) risk assessments

From autumn 2016, all operators will be required to undertake assessment of the risks of money laundering in their business, and show that they have appropriate policies, procedures and controls to mitigate these.

These AML risk assessments should not be confused with the local premises risk assessments. Furthermore for those operators with multiple premises, AML risk assessments will typically be completed centrally with individual premises within their estate only needing to be assessed separately by exception, where their circumstances fell outside the central assessment.

LAs will not be expected to monitor the AML risk assessments.







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## Updated non-complex cat D gaming machines guidance

LAs are advised that this [advice note has been updated](#) following a series of cases in which crane grab non-complex category D gaming machines were discovered to be breaching regulations, and were purporting to be skill machines.

Machines utilising a mechanical arm, or similar device to select a prize and which employ a compensator unit to determine the percentage pay-out of the machine, need to be clearly marked as a gaming machine (skill and chance combined). They have a maximum stake of £1 and a maximum £50 non-monetary prize. In addition they may only be operated in premises where the necessary permissions are in force.

The note has been updated to include machines supplied by Elaut and Instance Automatics, which should be labelled as a category D gaming machine. These suppliers have also contacted customers who have purchased crane machines from them.

## Cranes being replaced by vending machines

LAs are advised that following discussions with the Commission, the operator Clearhill has advised that it intends to replace (or modify) their existing category D gaming machines with commercially viable vending machines.

A device described as a vending machine must comply with one of these two conditions:

- comply with section 249 of the Act, whereby the prize(s) offered do not exceed the value of the stake to play the machine once. In which case there will be no offence under section 242 of the Act in making the machine available
- the products vended are of an equal/ comparable value. The object of the machine is simply to vend a product of a type (eg vending chocolate bars). Where the prize(s) vary in value and chance determines which is won then it would be considered gaming and would need to comply accordingly (subject to section 249).

LAs with any queries should contact their local compliance manager in the first instance.

## Unlicensed Family Entertainment Centre (uFEC) reminder

We are still finding circumstances where multi-use buildings, particularly motorway service areas (MSA) with an uFEC permit for machines being operated in walkways or corridors rather than a specific premises within the MSA. 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.

## Various changes to operator licence conditions

### Extending AML requirements to non-remote lotteries

Following a recent consultation we have concluded that [non-remote lotteries will be included](#) in the new licence condition that requires operators to identify and implement effective policies to manage the risk of money laundering to their businesses.



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### Digital adverts

Following the recent the prevention of crime associated with gambling consultation, we have amended the **proposed wording of the new licence condition** requiring operators to ensure that digital adverts placed by them or on their behalf are placed responsibly so that:

- Operators themselves must not place digital adverts on websites that provide illegal content
- Operators must take all reasonable steps to make sure that third parties with whom they contract do not place adverts for the operator on such websites.

### High turnover bingo operators exempted from multi-operator self-exclusion requirements

Following a consultation we have **exempted high turnover bingo** from the multi-operator self-exclusion arrangements.

## Information sharing

### Paddy Power refused planning permission

The government Planning Inspectorate **recently ruled** that the London Borough of Camden had not been unfair in blocking Paddy Power's move into Kilburn High Road because retail use should be protected. However the Inspector said, after visiting the road that she "did not get the sense that betting shops and other gambling facilities dominated" the area and that "there is no evidence before me that a saturation has been reached or that the existing level of betting shops is affecting the health of the centre as a whole at present". She said a "tipping point" could come in the future.

### Scottish gambling powers consultation

Following the devolution of new powers to the Scottish Parliament and Government under the Scotland Act 2016, the Scottish Government has indicated there is currently no timescale as to when the new provisions relating to the Gambling Act 2005 will be brought into effect for possible consideration by licensing boards in Scotland.



The changes give Scottish Ministers the powers to vary the number of fixed odds betting terminals (FOBTs) allowed on licensed betting premises. The power only applies to applications for new licences and does not include betting premises licences issued in respect of a track.

It is likely that any changes enacted by the Scotland Act will be consulted on by the Scottish Government prior to further regulations being lodged in the Scottish Parliament.

### New charity complaints telephone line in Scotland

A new phone number and website allowing complaints about the conduct of Scotland's charities became operational on 7 July 2016.

The new phone line **0808 164 2520** and **online reporting site** – designed to give the public more protection against aggressive fundraising tactics – follow the recommendation of the Fundraising Working Group in Scotland.

The phone number and website will be run by Scottish Fundraising Complaints – set up by the Scottish Council for Voluntary Organisations and the Scottish charity regulator OSCR. The Fundraising Regulator will operate as the lead regulator for cross-border charities, where charities operate in Scotland but are registered in England and Wales.

Scotland's charities, voluntary organisations and social enterprises generate an estimated £4.5 billion a year and employ 138,000 people in over 45,000 organisations.





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## Commission's Annual Report 2015/16

Our [Annual Report for 2015/16](#) sets out how we have, and will continue to, put consumers at the heart of regulation and also provides an overview of our operations and financial position for the 15/16 financial year.

## Strict liability of children gambling

Licensing authorities may be interested in a [Local Government Lawyer article](#) written by Philip Kolvin QC, about a case where a district judge considered issues around the criminal liability of a betting operator where a child played a fixed odds betting terminal without challenge or whether the prosecution must prove that the operator knew or should have known that the player was underage. District Judge Brailsford concluded in *Blackpool Council v Stan James (Abingdon) Limited* on 1 March 2016:

*"I have considered the issues very carefully. I have sought to analyse and consider what definition should be given to the word "permit" in circumstances such as these. I am of the clear view that "permit", here, means "fail to prevent", not importing any other concepts of "knowingly", "intentionally", "recklessly" or the like. Finding the matter to be a strict liability offence does not deprive the Defendant of the opportunity to deny, and to present its case; strict liability is not, without more, guilt. But, on the evidence, arguments and submissions – for which, once again, I express my gratitude to those concerned – I am wholly satisfied that this offence is indeed one of strict liability. Whether the Prosecution can make its case, of course, is an entirely separate issue."*

## Reference materials

### 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
- Betting at tracks - **NEW MODULE**

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

### FAQ of the month

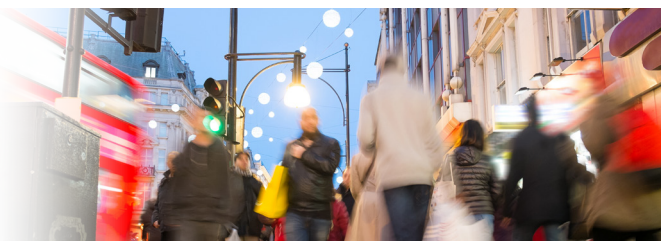
This month's featured frequently asked question is:

[How many people gamble in Great Britain?](#)

The response provides details of gambling participation in Great Britain as well as information about the rates of problem gambling and in-depth data on gambling behaviour online.

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.



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### 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...

- [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 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](#)

### 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.





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As you will know the separate government departments now all use the [www.gov.uk](http://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](mailto: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.



## 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

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

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