

**The Gambling Act 2005**

**Advice for British police services**

**Incorporating responses to the consultation**

**March 2009**

## Contents

<b>1</b>	<b>Introduction</b>	<b>4</b>
<b>2</b>	<b>An overview of the Gambling Act 2005</b>	<b>4</b>
<b>3</b>	<b>Police powers created by the Gambling Act 2005</b>	<b>7</b>
<b>4</b>	<b>Information exchange with police services</b>	<b>11</b>
<b>5</b>	<b>Operational activity</b>	<b>13</b>
<b>6</b>	<b>Licensing authority functions and the role of the police</b>	<b>16</b>
<b>7</b>	<b>Premises licence reviews and the appeals process</b>	<b>28</b>
<b>8</b>	<b>Betting</b>	<b>30</b>
<b>9</b>	<b>Casinos</b>	<b>32</b>
<b>10</b>	<b>Amusement arcades</b>	<b>33</b>
<b>11</b>	<b>Bingo</b>	<b>35</b>
<b>12</b>	<b>Fairs</b>	<b>36</b>
<b>13</b>	<b>Tracks (horseracing, greyhound stadiums etc)</b>	<b>37</b>
<b>14</b>	<b>Takeaway restaurants, taxi offices, guesthouses and similar premises</b>	<b>39</b>
<b>15</b>	<b>Poker and games of equal chance</b>	<b>39</b>
<b>16</b>	<b>Pubs and other alcohol licensed premises</b>	<b>40</b>
<b>17</b>	<b>Entertainment complexes and other venues</b>	<b>40</b>
<b>18</b>	<b>Clubs</b>	<b>41</b>
<b>19</b>	<b>Lotteries and raffles</b>	<b>41</b>

<b>20</b>	<b>Gaming carried out as part of a local event</b>	<b>42</b>
<b>21</b>	<b>Scams and bogus lotteries</b>	<b>43</b>
<b>22</b>	<b>Race nights and casino nights</b>	<b>44</b>
<b>23</b>	<b>Gambling via technology such as the internet</b>	<b>44</b>
<b>24</b>	<b>Gambling and advertising</b>	<b>45</b>
<b>25</b>	<b>Summary of offences under the Gambling Act 2005</b>	<b>45</b>
<b>26</b>	<b>Contact details</b>	<b>50</b>
	<b>Annex A Responses to the consultation</b>	<b>51</b>
	<b>Annex B Gaming machine categories</b>	<b>53</b>
	<b>Annex C Summary of website links for Commission documents</b>	<b>54</b>
	<b>Annex D Vessels and vehicles (cont)</b>	<b>54</b>
	<b>Annex E Sport governing bodies</b>	<b>55</b>
	<b>Annex F Glossary of terms</b>	<b>56</b>
	<b>Annex G Request for/disclosure of intelligence/information form between the Commission and police forces (ACPO)</b>	<b>64</b>

### 1 Introduction

- 1.1 The Gambling Commission (the Commission) issued a consultation document in June 2008: *The Gambling Act 2005 – Advice for British police services*. We received four responses to the consultation and the comments have been noted and/or incorporated in this revised version. The aim is to provide a reference document for British police services with regard to their role and functions in the regulation of the gambling industry. The introduction in September 2007 of the new gambling legislation overhauled the licensing arrangements of the gambling industry and created a new regulatory regime. We have developed this document to highlight the extent of police involvement in supporting the various mechanisms of the regime.
- 1.2 The document is designed to act as a point of reference for police looking to identify specific information relating to the gambling industry, and includes suggestions as to how to achieve best practice.
- 1.3 This document sets out a number of topics which we consider to be important for the police, and offers advice on specific matters that they may encounter with regard to gambling premises operating in their individual areas.
- 1.4 Alongside the publication of this advice the Commission is working with the Association of Chief Police Officers for England, Wales and Northern Ireland (ACPO) and for Scotland (ACPOS) to complete a Memorandum of Understanding (MoU) which covers both information sharing and operational matters.
- 1.5 The Commission is in the early stages of developing an operational manual and accompanying training package for frontline officers in conjunction with ACPO and ACPOS.

### 2 An overview of the Gambling Act 2005

- 2.1 The Gambling Act 2005 (the Act) received Royal Assent on 7 April 2005, and came fully into force on 1 September 2007. It repealed existing gambling legislation, namely the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.
- 2.2 The Act makes it an offence to provide facilities for gambling or use premises for gambling without an appropriate permission. Such permission comes in the form of a licence, a permit, or a registration granted under the Act, or from an exemption stated within the Act.
- 2.3 The Act covers all gambling undertaken in England, Scotland and Wales, with the exception of:
  - spread betting (which is regulated by the Financial Services Authority)
  - the National Lottery (which is regulated by the National Lottery Commission).
- 2.4 It also created a new licensing regime for commercial gambling, and introduced the Commission as the industry regulator. Responsibility for issuing gaming and betting permissions that previously had rested with local magistrates has now been transferred to the Commission and licensing authorities.

## The Gambling Act 2005 – Advice for British police services

### The licensing objectives

- 2.5** The Act contains three licensing objectives, which are central to the regulatory regime and underpin functions carried out by the Commission and licensing authorities. These can be found at section 1 of the Act, and are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  - ensuring that gambling is conducted in a fair and open way
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.

### Gambling Commission

- 2.6** The Commission was established by the Act as the regulator for gambling in Great Britain (again with the exception of spread betting and the National Lottery). It replaced the Gaming Board for Great Britain.
- 2.7** The Commission is responsible for granting operating and personal licences to companies and individuals within the gambling industry. The Act also creates powers of entry and inspection for the Commission to regulate gambling, and sets out safeguards for those subject to the powers.

### Licences, permits and notices

- 2.8** Three types of licence and a number of types of permits and notices are issued under the Act. Collectively these permissions make up the regulatory framework for the gambling industry.

#### Operating licences

- 2.9** Individuals and companies providing facilities for certain types of gambling must obtain an operating licence from the Commission (section 65 of the Act). Operating licences authorise the holder to provide the facilities named on the licence, providing they do so in accordance with the conditions of their licence and any relevant codes of practice issued by the Commission.<sup>1</sup>
- 2.10** The Commission's *Licence Conditions and Codes of Practice* (LCCP) sets out the conditions and codes that apply to licences issued by the Commission to gambling operators and personal licence holders in Great Britain.
- 2.11** The conditions and codes set out the rules which operators must observe to meet the Commission's three licensing objectives of keeping crime out of gambling, ensuring that gambling is fair and open, and protecting children and other vulnerable people from being harmed or exploited by gambling.
- 2.12** The Commission has powers to prosecute operators who fail to maintain the standards it sets. A list of the licence conditions and codes relevant to each licence holder is issued as part of their Operating Licence.
- 2.13** Breach of an operating licence condition may give rise to a criminal offence. The Commission also has a range of regulatory penalties available to it which are separate from initiating criminal proceedings. These measures include issuing warnings, financial penalties and suspending or revoking a licence.

---

<sup>1</sup> [Licence Conditions and Codes of Practice](#)

## **The Gambling Act 2005 – Advice for British police services**

**2.14** Operating licences may be issued to cover the provision of remote gambling facilities (using technology such as the internet) and non-remote facilities (ie premises-based, such as in a casino or a betting premises).

### **Personal licences**

**2.15** The Commission is also responsible for issuing personal licences to key individuals within the gambling industry, in two categories:

- personal management licences – required by persons occupying specified management office positions for gambling operators, such as an Operations Director
- personal functional licences – required by persons performing a function that could enable them to influence the outcome of gambling or receive money in connection with gambling, such as a casino croupier.

### **Premises licences**

**2.16** Licensing authorities (as defined at section 2 of the Act) are responsible for issuing premises licences to enable gambling operators to provide different types of gambling facilities.

**2.17** For the purposes of this Act the following are licensing authorities:

(a) in relation to England:

- (i) a district council
- (ii) a county council for a county in which there are no district councils
- (iii) a London borough council
- (iv) the Common Council of the City of London
- (v) the Council of the Isles of Scilly.

(b) in relation to Wales:

- (i) a county council
- (ii) a county borough council.

(c) in relation to Scotland:

- (i) a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976 (c. 66).

**2.18** The day to day work of the licensing authority is generally carried out by the licensing department.

**2.19** The regime is similar in appearance to that created by the Licensing Act 2003 and the Licensing (Scotland) Act 2005, although the two regimes are entirely separate. The role played by police in premises licensing is discussed in section 7 of this document.

### **Permits and notices**

**2.20** In addition to issuing premises licences, licensing authorities issue permits and receive notices to authorise the provision of gambling facilities in a number of premises where gambling is not the primary activity (such as pubs and clubs). The role played by police towards permits and notices is discussed in section 6 of this document.

## The Gambling Act 2005 – Advice for British police services

### Responsible authorities and interested parties

- 2.21** The Act sets out two categories of organisations and individuals that are entitled to object to and comment on applications made to licensing authorities for gambling permissions such as premises licences. They are as follows:
- responsible authorities – these are bodies that are required by the Act to be notified of applications for certain gambling permissions made to licensing authorities. A full list of responsible authorities can be found at section 157 of the Act.
  - interested parties – these are local groups that may be impacted by the gambling activities being proposed on an application, either by living sufficiently close to the premises where it is proposed the facilities will be offered that they may be affected, or if they have business interests that may be affected by the proposed gambling facilities.
- 2.22** Section 157 of the Act includes the chief officer of police of the area where a particular gambling premise is situated, as a responsible authority. **This is a key role for police, and the extent and manner in which they can make representations as a responsible authority is discussed in section 7 of this document.**

### Achieving compliance with the Act

- 2.23** Facilities for gambling in Great Britain (besides the National Lottery and spread betting) must be compliant with the workings of the Act and the supporting legislation. The police play a key role in supporting the compliance and enforcement activity of the Commission and licensing authorities. This role is discussed in greater detail throughout this document.

## 3 Police powers created by the Gambling Act 2005

- 3.1** The Act creates a number of powers for police towards gambling premises and facilities. Most of these powers are shared with, for example, Commission enforcement officers and in some cases other authorised persons. Part 15 of the Act in particular creates a range of powers for entering premises. This section summarises those powers.
- 3.2** The Commission's compliance managers work closely with licensing authority colleagues and undertake a rolling risk-based programme of inspection activity. Police are advised in the first instance to contact the Commission's Enquiries desk (section 26 of this document) or, alternatively, the relevant licensing authority to discuss matters arising from the exercise of powers under Part 15 of the Act, or to identify the compliance manager covering their area.

### General

- 3.3** Section 320 of the Act requires powers exercised under Part 15 of the Act to be exercised only at reasonable times.
- 3.4** Section 325 of the Act requires persons exercising powers under Part 15 of the Act to take reasonable steps to leave premises they have entered as secure as when they initially gained access.

### Powers relating to inspection activity

#### Compliance activity – section 305

- 3.5** Police officers have powers to undertake activities for the purpose of assessing:
- compliance with provisions of the Act
  - whether an offence under the Act is being committed.

## **The Gambling Act 2005 – Advice for British police services**

### **Suspected offences – section 306**

**3.6** Police officers have powers to enter premises where they reasonably suspect an offence under the Act:

- is being committed on the premises
- is about to be committed on the premises.

**3.7** Forces in England and Wales may apply to a justice of the peace for a 28-day entry warrant, (and in Scotland any application to a Sheriff for a warrant shall be made in accordance with current procedures through the Crown and Procurator Fiscal Service) to secure entry where:

- there are reasonable grounds for suspecting an offence under the Act has been committed on the premises
- there are reasonable grounds for suspecting that evidence of the commission of the offence may be found on the premises.

At least one of the following must also be satisfied:

- entry to the premises has already been refused
- entry is likely to be refused without a warrant
- the purpose of entry may be complicated or prejudiced unless police can ensure immediate entry
- there is likely to be nobody at the premises capable of granting entry.

### **Inspection of gambling facilities – section 307**

**3.8** Police officers may enter premises where they reasonably suspect facilities for gambling may be being provided or may be about to be provided, or were being provided, which they do not believe is consistent with 'exempt' forms of gambling, ie private and non-commercial gaming or betting (Part 14 of the Act). This type of inspection has to achieve one or more of the following:

- to discover whether any of the above suspicions are founded
- to determine whether an operating licence (issued by the Commission) and/or premises licence (issued by the local licensing authority) is held to cover the facilities being provided
- to determine whether the gambling facilities are being, will be, or have been provided in accordance with the terms and conditions of the operating licence or premises licence.

### **Inspection of gambling facilities provided under an operating licence – section 308**

**3.9** Where police officers reasonably believe premises are being used by an operating licence holder wholly or partly for purposes connected to the licensed activities, they may enter the premises using section 308 of the Act in order to determine whether the activities are being conducted in accordance with the terms and conditions of the licence.

### **Inspection of unlicensed family entertainment centre premises – section 309**

**3.10** Under section 309 of the Act police officers may:

- enter premises which are the subject of an application for a family entertainment centre permit for matters relating to the application
- enter premises which are the subject of a family entertainment centre permit in order to verify that the gaming machines are compliant with relevant provisions of the Act.

## **The Gambling Act 2005 – Advice for British police services**

### **Inspection activity in alcohol-licensed premises – section 310**

- 3.11** There are a number of powers of inspection available for police officers in England and Wales under section 310 of the Act. If a premises has an 'on-premises' alcohol licence issued under the Licensing Act 2003 a police officer may enter the premises in order to:
- determine whether any gaming taking place constitutes exempt gaming (section 279 of the Act)
  - determine, where bingo is being played, if the terms and conditions of any relevant operating licence are being upheld and whether section 281 of the Act applies (which states that the bingo is high-turnover and requires an operating licence if the proceeds of the bingo are more than £2,000 per week)
  - ascertain the number and types of gaming machines being used on the premises.
- 3.12** However, section 310 of the Act does not apply to police officers in Scotland, as it refers to schedule of the Act (13) which is disapplied for Scotland and premises that have an 'on-premises' alcohol licence issued under the Licensing Act 2003, but not the Licensing (Scotland) Act 2005. Therefore the powers of entry and inspection conferred by the Licensing (Scotland) Act 2005 are assumed to allow a police officer in Scotland to deal with any offence to which the Gambling Act applies, unless deemed to be a pre-planned operation, for which a warrant would be more appropriate.

### **Inspection activity in premises that are the subject of a prize gaming permit – section 311**

- 3.13** Police officers may exercise their powers under section 311 of the Act as follows:
- entering a premises which is the subject of an application for a prize gaming permit for matters relating to the application
  - entering a premises which is the subject of a prize gaming permit in order to verify that the gaming machines are compliant with relevant provisions of the Act.

### **Inspection activity in clubs – section 312**

- 3.14** There are a number of powers of inspection available to police officers under section 312 of the Act. If a premises can reasonably be considered to be a members' club, a commercial club or a miner's welfare institute, a police officer may enter the premises in order to:
- determine whether any gaming is taking place or is about to take place
  - determine where the gaming is taking place, that it is in accordance with section 269 of the Act (ie is permitted in clubs) or is in accordance with a club gaming permit or a club machine permit.
- 3.15** Police officers may also exercise this power in respect of premises that are the subject of an application for a club gaming permit or club machine permit in order to consider whether or not they will make representations.

### **Premises licences (gambling premises) – section 313**

- 3.16** Section 313 of the Act entitles police officers to enter premises:
- that are the subject of an application for a premises licence under the Act to consider the effect of the proposed gambling premises upon the three licensing objectives
  - that are already the subject of a premises licence issued under the Act, and the premises licence is the subject of a review, in order to determine whether they should make representations for inclusion in the review under section 201 of the Act.

## The Gambling Act 2005 – Advice for British police services

### Temporary use notices – section 315

**3.17** Police officers may exercise their powers under section 315 of the Act to:

- enter premises for which a temporary use notice has been issued in order to assess (against the licensing objectives) the likely effects of the gaming due to take place
- enter premises where a temporary use notice is in effect in order to determine if the gaming is being carried out in accordance with the temporary use notice.

### Production of authorisations – section 316

**3.18** Police officers are entitled to view authorisations that betting operating licence holders may give to someone to carry out betting on their behalf (sections 93 and 94 of the Act), and can request that either the licence holder themselves or the person so authorised produces the authorisation within a specified period.

**3.19** Similarly, a police officer may also require a casino premises licence holder to produce the authorisation given by them under section 174 of the Act permitting someone else to provide facilities for betting and/or bingo at the casino in question. The person so authorised can also be required to produce the authorisation within a specified period.

**3.20** An offence is committed if the authorisation is not produced without a reasonable excuse.

### Powers upon entry

#### Powers upon entry – sections 317 and 322

**3.21** Police officers exercising their powers under section 317 of the Act to enter premises may:

- inspect any part of the premises, any machine or any other thing on the premises
- question anyone on the premises
- request access to any written or electronic record kept on the premises
- require a copy of any entry made in a written or electronic record kept on the premises
- remove and retain anything that they believe is evidence (or is being used/has been used) for a breach of a term or condition under the Act, or commission of an offence under the Act.

**3.22** Regulations have been laid setting out the information that police officers need to provide upon entry, and the written record of information that can be requested by the inspected person. These regulations are SI No 2007/319 The Gambling Act 2005 (Inspection) (Provision of information) regulations 2007.

#### Obtaining a warrant to enter a dwelling – section 318

**3.23** Police officers may, under section 318 of the Act, apply to a justice of the peace or sheriff to obtain a 28 day warrant for use to enter a dwelling (as opposed to a licensed premises) within the provisions of the Act providing at least one of the conditions in section 318(3) of the Act are satisfied. Those conditions are as follows:

- that admission to the premises has been refused
- that admission to the premises is likely to be refused unless a warrant is produced
- that the purposes of entry may be frustrated or seriously prejudiced unless a police officer, enforcement officer or other authorised person arriving at the premises can secure immediate entry
- that there is likely to be nobody at the premises capable of granting admission.

## The Gambling Act 2005 – Advice for British police services

### Access to records – section 319

- 3.24** A police officer may apply to a justice of the peace or sheriff under section 319 of the Act to obtain a 28 day warrant if they believe they will require access to written or electronic records that may not be directly linked to the purposes of the inspection. The warrant will specify the extent to which it can be relied upon towards inspecting records.

### Use of force – section 323

- 3.25** A police officer may use reasonable force under section 323 of the Act when entering premises in pursuance of a power under or by virtue of Part 15 of the Act. This section is disapplied in Scotland

### Persons accompanying an inspector – section 324

- 3.26** A police officer, enforcement officer or authorised person exercising powers under Part 15 of the Act may take one or more persons with them. Examples include information technology technicians, contracted (civilian) investigation officers and police civilian licensing officers. This section is disapplied in Scotland.

## Exercising powers of inspection and entry

- 3.27** The Commission's compliance managers work closely with licensing authorities throughout Great Britain on compliance and inspection activity relating to gambling, and as part of this work often engage with police.
- 3.28** It is an offence under section 326 of the Act to obstruct or fail to cooperate without reasonable excuse with a police officer, enforcement officer or authorised person carrying out inspection activity under Part 15 of the Act.
- 3.29** The Commission recommends that, where appropriate, police officers first contact the compliance manager covering their local area where they are seeking to exercise their powers of inspection for gambling premises. Information that police may require as a result of inspecting a gambling premises might already be in the possession of the local compliance manager, and there may be ongoing work being undertaken by the Commission and licensing authorities at the premises.
- 3.30** Contact details for the Commission's compliance managers can be found on the website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk), or by calling 0121 230 6666. The details are also included in the *Police and Constabulary Almanac*.

## 4 Information exchange with police services

### Overview

- 4.1** The Commission is dependent on the exchange of information to uncover illegal activity associated with gambling, and to monitor the incidence of gambling in Great Britain.
- 4.2** Section 30 of the Act enables the Commission to exchange information with the police and other law enforcement agencies, including the bodies listed in Schedule 6 of the Act such as the National Crime Squad and the National Criminal Intelligence Service (now amalgamated into the Serious Organised Crime Agency), the Serious Fraud Office and the Scottish Crime and Drugs Enforcement Agency (SCDEA). The Commission also has separate signed memoranda of understanding with various other organisations. The exchange of information is for the purpose of:
- a criminal investigation (whether in the United Kingdom or elsewhere)
  - criminal proceedings (whether in the United Kingdom or elsewhere).

## The Gambling Act 2005 – Advice for British police services

**4.3** Under sections 29 and 35 of the Data Protection Act 1998 personal data are exempt from the non-disclosure provisions where the disclosure is:

- for the prevention or detection of crime
- the apprehension or prosecution of offenders (section 29 of the Data Protection Act)
- required by law
- made in connection with legal proceedings
- for the purpose of obtaining legal advice (section 35 of the Data Protection Act).

Requests for information should be made in writing to the intelligence unit at the Commission (see section 26 of this document). Annex G of this document provides a request proforma for use where appropriate.

### The Commission's intelligence unit

**4.4** The intelligence unit collects, collates, analyses and disseminates information about gambling to and from a wide range of sources, including the police and local authorities. Information of value to the unit includes, but is not restricted to:

- reports of police activity at gambling premises
- reports of suspected illegal gambling
- reports of underage gambling
- surveys undertaken by Crime and Disorder Reduction Partnerships highlighting gambling issues.

**4.5** The intelligence unit periodically undertakes intelligence assessments, measuring compliance activity within the gambling industry and identifying information required to inform the Commission's intelligence regime.

### National Intelligence Model

**4.6** The Commission's intelligence unit operates within the National Intelligence Model (NIM), in order to identify patterns of crime connected to gambling, to develop understanding of these patterns, and to share intelligence as appropriate with police, other law enforcement agencies and other relevant stakeholders.

### 5x5x5 reports

**4.7** The Commission uses Intelligence Report Forms to receive and disseminate intelligence, more commonly known as 5x5x5 reports. This type of reporting is a NIM minimum standard, and ensures consistency of approach with other organisations that handle intelligence using NIM.

### Intelligence coming in and going out

#### Intelligence coming in

**4.8** Police officers wishing to feed intelligence into the Commission should submit the information on a 5x5x5 report. The intelligence is then captured on the Commission's secure intelligence database. Reports should be sent via email to: [intelligence-reports@gamblingcommission.gov.uk](mailto:intelligence-reports@gamblingcommission.gov.uk).

#### Intelligence going out

**4.9** All intelligence is disseminated from the Commission on 5x5x5 reports. Extracts from intelligence assessments undertaken by the Commission may be made available from time to time on the website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## The Gambling Act 2005 – Advice for British police services

### What other information is the Commission able to provide police services?

- 4.10** Police officers may contact the intelligence unit when they require an intelligence check on individuals under investigation and there are suspected links to, for example, illegal gambling activity, gambling premises and so on. The details can be checked against the Commission's intelligence database to ascertain whether there is any relevant information available.

### Money laundering

- 4.11** All gambling operators who hold an operating licence and offer premises-based gambling must put in place policies and procedures regarding the handling of cash in their premises, to minimise the risk of financial crimes such as money laundering.
- 4.12** In addition to this requirement, casinos operating in Great Britain (and therefore licensed by the Commission) are required to act in accordance with the provisions of the document *The prevention of money laundering and combating the financing of terrorism: Guidance for remote and non-remote casinos*. This document can be viewed on the Commission's website<sup>2</sup>.
- 4.13** The guidance sets out how casino operators must comply with the Money Laundering Regulations (SI No 2007/2157) and the Proceeds of Crime Act 2002. It also includes reference to the role of police in issuing 'appropriate consent' to process suspicious transactions.
- 4.14** Police officers seeking specific information regarding money laundering within the gambling industry may contact the Commission using the details shown in section 26 of this document.
- 4.15** In addition the Commission will be publishing *Duties and responsibilities under the Proceeds of Crime Act 2002. Advice to Operators (excluding casino operators)*. This will be available via our web site later this year.

## 5 Operational activity

- 5.1** The Commission and licensing authorities are responsible for undertaking compliance and enforcement activity towards the different types of gambling permissions issued under the Act (as set out in section 2 of this document).
- 5.2** Where the Commission and licensing authorities decide to take action under the provisions of the Act, whether in terms of operational breaches within the regulatory environment or the detection of illegal gambling, it will often be necessary for the police to be involved.

### Key documents

#### Memorandum of understanding between ACPO, the Commission and LACORS

- 5.3** Prior to the introduction of the Act on 1 September 2007, the Commission worked with the Local Authorities Coordinators of Regulatory Services (LACORS) and the ACPO to develop a joint statement towards compliance and enforcement in England and Wales.
- 5.4** The statement set out the initial approach for all three parties to apply towards any compliance and enforcement action required towards gambling premises in the months leading on from the Act's introduction. Broadly, this established that local authorities concentrate on premises related issues, the Commission's focus being wider or national operating issues, and the police provide support on criminal activity within these areas.

---

<sup>2</sup> [The prevention of money laundering and combating the financing of terrorism: Guidance for remote and non-remote casinos](#)

## The Gambling Act 2005 – Advice for British police services

- 5.5** The statement also established a platform upon which to develop a longer-term collaborative approach towards compliance and enforcement. It can be viewed on the Commission's website<sup>3</sup>.
- 5.6** As noted above (paragraph 1.4 of this document) the Commission, ACPO and ACPOS are currently completing a new Memorandum of Understanding.

### The Commission's compliance and enforcement policy statement

- 5.7** In June 2007 the Commission published the document *Compliance and enforcement policy statement* outlining its approach towards compliance and enforcement under the Act. This document is currently being updated and new version will be published in summer 2009.
- 5.8** The current version can be viewed on the Commission's website<sup>4</sup>.

### Licensing authority policy statements

- 5.9** Each licensing authority is required under section 349 of the Act to produce a three-yearly statement of licensing policy setting out the broad principles they apply towards exercising their powers and responsibilities under the Act. Many of the statements include references to how local compliance activity is undertaken, and are generally available for viewing on each licensing authority's website.

## Regional enforcement agreements and licensing working groups

- 5.10** The introduction of the Licensing Act 2003 prompted many local authorities in England and Wales to establish regional working groups, where licensing matters could be discussed at regular intervals and appropriate local policy and enforcement activity agreed on. These groups generally consist of licensing officers from neighbouring licensing authorities, but also include representatives from police and crime reduction partnerships, and other attendees such as representatives from the local fire service or environmental health departments.
- 5.11** The Commission is aware that many of these groups now also discuss relevant matters surrounding gambling premises, and licences and permits issued under the Act, and many have extended invitations to the Commission's local compliance managers to attend meetings. The introduction of the Licensing (Scotland) Act 2005 is likely to encourage the development of similar groups in Scotland. The involvement of local compliance managers is key in terms of reinforcing a joined-up approach towards local compliance and enforcement activity, developing regional best-practice towards licensing of gambling premises, and encouraging sharing of information. Local compliance managers can be identified by calling the Commission's enquiries desk on 0121 230 6666 or checking the website ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

## Illegal gaming machines

### In what circumstances is a gaming machine illegal?

- 5.12** The Act permits four categories of gaming machines (A, B, C and D) and a number of sub-categories, as shown in Annex B of this document. The Act also sets out the types of premises that are entitled to provide gaming machines and the type of authorisation needed in order to site the machines.

---

<sup>3</sup> [Joint compliance and enforcement statement](#)

<sup>4</sup> [Compliance and enforcement policy statement](#)

## The Gambling Act 2005 – Advice for British police services

**5.13** A gaming machine can be illegal for a number of reasons including any one of the following:

- it is located in a premises that are not permitted under the Act to provide gaming machines
- the stakes, prizes or circumstances of use for a machine is not consistent with those set down in regulations (SI No 2007/2158 Betting, Gaming and Lotteries The Categories of Gaming Machine Regulations 2007, No. 2007/2320 The Gaming Machine (Supply &c) Regulations 2007 and 2007/2319 Gaming Machine (Circumstances of Use) Regulations 2007)
- it is supplied by a non-licensed supplier (ie a supplier that is not an operating licence holder)
- the operator does not hold the appropriate operating licence.

**5.14** The appropriate course of action, and who will take the lead, will depend on the circumstances which have led to a gaming machine being considered illegal, or illegally sited. In some cases licensing authorities and local law enforcement agencies such as the police and HM Revenue and Customs will be best placed to take the lead, and in others the Commission will take action. Often a co-ordinated, joined up approach consisting of all of these bodies is most appropriate.

**5.15** Since the introduction of the Act on 1 September 2007, police have assisted the Commission and licensing authorities to undertake a number of operations regarding the seizure of illegal gaming machines. Such operations have generally been undertaken using a multi-agency approach.

**5.16** If police believe that there are illegal gaming machines in operation in their area, they should, in the first instance, contact the licensing authority and the Commission's local compliance manager (paragraph 3.30 of this document) to agree the most suitable approach.

### Cheating in gambling

**5.17** It is an offence under section 42 of the Act to cheat at gambling, or to assist another person to cheat at gambling. The offence is still committed irrespective of whether the cheater actually wins or improves their chances of winning.

**5.18** Section 42 of the Act states that cheating may include actual or attempted deception or interference connected to the way in which gambling is conducted, and connected to a game, an event or a race that relates to gambling in some way.

**5.19** If police receive complaints or intelligence relating to allegations of cheating in gambling, the Commission would like to be informed of the circumstances and nature of the complaint (section 26 of this document). If the information relates to gambling associated with sporting events it may also be important to inform the relevant sporting authority as it may contravene their rules on betting. A list of sports authorities is provided at Annex E.

**5.20** Similarly, the Commission may wish to engage with the police and sporting authorities over cheating issues that may be better investigated by the police or other law enforcement agencies, for example where fraud appears to be involved.

## 6 Licensing authority functions and the role of the police

6.1 The Act gives licensing authorities a number of important regulatory functions in relation to gambling carried out in Great Britain. Each authority is expected to ensure they fulfil these functions in their respective area. The principal functions are to:

- licence premises to provide gambling facilities
- consider notices served on them for the temporary use of premises for equal-chance gaming
- grant permits for gaming and gaming machines in clubs and institutes
- regulate gaming and gaming machines in alcohol licensed premises
- grant permits to family entertainment centres for the use of category D gaming machines (eg machines such as crane grabbers or penny pushers)
- grant permits to authorise prize gaming
- receive 'occasional use' notices served on them to permit betting to be provided at a temporary track
- register local societies to run small lotteries.

6.2 The police play a key role in the application and determination process undertaken by licensing authorities towards managing local gambling authorisations. This section sets out in greater detail the functions outlined above, and in each case summarises the extent of the role of police in the process.

### Premises licences

- **Relevant part of the Act: Part 8**
- **Regulations: SI No 2007/459 (The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007) and SI No 2007/196 (The Gambling Act 2005 (Premises Licences and Provisional Statements)(Scotland) Regulations 2007)**

#### What is a premises licence?

6.3 A premises licence granted under the Act authorises the licensee to provide specific gambling facilities at the premises in question. Each licence contains a number of conditions that licensees must adhere to, which are set out for each premises type in the regulations listed above. They are issued by local licensing authorities.

6.4 A premises licence must contain the following information:

- the name of the person to whom it is issued
- the home or business address of that person
- the premises to which it relates
- the activities for which it authorises the premises to be used
- any conditions attached by the licensing authority (under section 169(1)(a) of the Act)
- any exclusion of a default condition effected by the licensing authority under section 169(1)(b) of the Act
- a plan of the premises
- if the licence is time limited, the expiry date.

The Secretary of State (in England) and Scottish Ministers (in Scotland) may make regulations about the form and content of a premises licence.

6.5 The licensing authority holds a register of premises licences issued and must make the register available to members of the public (section 156 of the Act).

## **The Gambling Act 2005 – Advice for British police services**

- 6.6** A premises licence may contain, as a condition, a requirement for door supervision, ie a condition requiring one or more persons be responsible for guarding the premises against unauthorised access or occupation. If the person guarding the premises is required by the Private Security Industry Act 2001 to hold a licence then that condition also applies to the premises licence.
- 6.7** Gambling premises licences are granted by licensing authorities in the following categories:
- casino premises
  - bingo premises
  - betting premises (generally high-street bookmaker's shops), including track premises (venues such as permanently-situated racecourses and sports arenas such as football grounds where betting is provided) and remote betting (trading room only)
  - adult gaming centres (arcade-type premises that can only admit people aged 18 and over)
  - family entertainment centres (arcade-type premises that can admit under-18s).
- 6.8** All gambling premises falling within the above categories must be the subject of a premises licence issued under the Act.

### **Vessels and vehicles**

- 6.9** The Act permits premises licences to be granted for passenger vessels. Separate application forms are prescribed for vessels under the Premises Licences and Provisional Statements Regulations. The equivalent legislation in Scotland is the Gambling Act 2005 Premises Licences and Provisional Statements (Scotland) Regulations 2007. The definition of a vessel (section 353(1) of the Act) is:
- anything (other than a seaplane or amphibious vehicle), designed or adapted for use on water
  - a hovercraft
  - anything, or part of any place, situated on or in water.
- 6.10** For further details of these regulations see Annex D.

### **What other gambling permissions are required by a premises licence holder?**

- 6.11** The premises licences listed above can only be issued to holders of a Commission operating licence, with the exception of track premises licences which can be issued to certain track owners without the need to hold an operating licence if they do not themselves provide any betting facilities.
- 6.12** The type of premises licence must correlate with the type of operating licence held – for example, an adult gaming centre premises licence can only be held in conjunction with an adult gaming centre operating licence, not another type such as a bingo operating licence.
- 6.13** Gambling operators can hold multiple premises licences, but are only required to hold one operating licence in respect of the type of gambling they offer. For example, a betting operator may own 100 betting shops, each of which would require an individual betting premises licence, but the operator would require only one betting operating licence.

## **The Gambling Act 2005 – Advice for British police services**

### **Information that the police receive regarding premises licence applications**

**6.14** The chief officer of police is sent a notice of application each time one of the following is lodged with a licensing authority falling within that policing area:

- a notice of application for a new premises licence
- a notice of application to vary a feature of an existing premises licence
- a notice of application to transfer an existing premises licence to someone else
- a notice of application to reinstate a premises licence that has lapsed for some reason.

In each case the applicant is responsible for sending notice of their application to the police (as a responsible authority), once they have lodged their application with the relevant licensing authority.

### **Making representations**

**6.15** Police are entitled to make representations towards the premises licence applications, where they feel necessary (paragraph 6.23 of this document). However there is no requirement for representations to be made for each application.

**6.16** Each notice of application is required to state the period available to the receiving police service to make representations about the application if they choose to (the period is required to be no less than 28 days, starting from the date on which the application was made to the licensing authority).

**6.17** During the period allowed for representations, police may wish to contact colleagues in the licensing departments of local authorities to discuss matters relating to the application and the premises in question.

**6.18** Police are also entitled under section 313(1) of the Act to enter premises in respect of which a premises licence application has been made in order to assess the likely effects of the proposed gambling activity.

**6.19** Before deciding whether or not to make a representation, it should be noted that licensing authorities are required to filter all representations they receive under the Act to ensure they identify those that are relevant, and those that are irrelevant. This requirement is set down in section 162 of the Act, as licensing authorities may be required to hold a hearing for any relevant representations.

**6.20** Representations that are likely to be deemed relevant by licensing authorities are those that relate to at least one of the licensing objectives (paragraph 2.5 of this document). They may also be found relevant if they raise issues of concern connected to the content of the licensing authority's own policy statement or any of the Commission's guidance or codes of practice. This is set out at section 153 of the Act.

**6.21** Unlike the Licensing Act 2003 and the Licensing (Scotland) Act 2005, the Act does not include the prevention of public nuisance as a licensing objective, and therefore representations concerning nuisance issues at gambling premises may be deemed irrelevant by a licensing authority (unless the activity leading to the public nuisance could be held as fitting with the licensing objective of preventing crime and disorder associated with gambling).

**6.22** If police have concerns relating to a premises licence application that cannot be justified as a relevant representation, they may prefer to raise these with the licensing authority in question and seek to address them under other relevant legislation. Some examples of representations that may or may not be considered relevant can be found in the table on the following page.

	Example of representation	Relevant issues under the Act
Representations that would not be likely to be deemed relevant (and as such would be best tackled under other legislation apart from the Gambling Act 2005)	‘There are already too many other gambling premises in the area’	The level of demand for gambling premises is not relevant as a consideration, under the provision of the Act
	‘The location of the premises is likely to increase traffic congestion in the area’	Local traffic matters cannot be handled under the Act and are better managed through other legislation
	‘The premises will lead to groups of people congregating in the area, increasing general nuisance and excessive noise’	The prevention of public nuisance is better managed through other legislation (unless activity connected to the congregation of people was held to be a relevant consideration towards the Act’s licensing objective of preventing gambling being associated with crime and disorder)
Representations that may be likely to be deemed relevant (and as such could be addressed at application stage via a hearing)	‘Other gambling premises in the area are routinely used for illegal activities such as drug-dealing’	The licensing authority may decide this could lead to the premises in question damaging the licensing objective of preventing gambling from being associated with crime
	‘The existence of other similar premises in the area has been found to have contributed towards local disorder’	This may be a relevant consideration as it may lead to the premises in question damaging the licensing objective of preventing gambling from being associated with disorder
	‘Other premises owned by this operator in the area have been known to have major problems with underage gambling’	The licensing authority may decide this could lead to the premises in question damaging the licensing objective of protecting children from being harmed or exploited by gambling

**6.23** Where police do choose to make representations, they must do so formally in writing to the licensing authority that is considering the application. The licensing authority will advise police of the outcome of all applications, and confirm whether or not a hearing will be held following the closure of the representations period.

**6.24** For further information about making representations see the Commission’s *Guidance to Licensing Authorities 2<sup>nd</sup> Edition* pages 54-5<sup>5</sup>.

**Other information relating to premises licences which is sent to the police**

**6.25** Licensing authorities are also required to inform the local chief officer of police when:

- a premises licence application is determined (whether granted or rejected)
- a premises licence is surrendered by the licence holder (section 192 of the Act)
- a premises licence lapses (for reasons including the licence holder dying or becoming bankrupt, as set out in section 194 of the Act).

<sup>5</sup> [Guidance to Licensing Authorities](#)

## **The Gambling Act 2005 – Advice for British police services**

### **Criminal record checks for premises licence applicants**

- 6.26** All premises licence holders (with the exception of track premises licences) are required to also hold an operating licence issued by the Commission. As part of the operating licence application process, the Commission undertakes disclosure checks to verify the suitability of the applicant to hold an operating licence.

### **Relationship with premises licences issued under alcohol licensing legislation**

- 6.27** Premises licences issued under the Gambling Act 2005 are entirely distinct from premises licences issued under alcohol licensing legislation, and the two types of premises licence exist and are regulated under separate legislation.
- 6.28** Premises licences issued under gambling and alcohol licensing legislation can, in some cases, co-exist at the same premises. However, some gambling premises licences prohibit customers from consuming alcohol on the premises. This is discussed for each premises type in the following paragraphs of this document.

### **Provision of premises licence**

- 6.29** The premises licence has to be kept on the premises, and police are entitled to request to see the licence (or a suitable copy if the original licence is held at a head office) under section 185 of the Act. It is an offence if the holder, without reasonable excuse, fails to comply. If the licence holder ceases to reside or attend at the address on the licence they must notify the licensing authority and inform them of the new address where they reside or attend under section 186 of the Act.
- 6.30** A premises licence holder may apply to vary a licence, for example to add or remove an authorised activity; however it cannot be varied so as to relate to a different premises to the original one. The exception to this is casinos licensed under the 1968 Act (converted casinos) who may vary their licence so that it relates to a different premises within the same licensing authority area. Details can be found in Commencement No. 6 and Transitional Provisions Order 2006 (SI No 2006/3272) paragraph 65 (12) in Schedule 4 to the SI.

### **Lapse of licence**

- 6.31** In the case of a premises licence issued to an individual, the licence shall lapse if, under section 194 of the Act:
- the licensee dies
  - the licensee becomes, in the opinion of the licensing authority, unfit by reason of physical or mental incapacity
  - the licensee becomes bankrupt (section 381 Insolvency Act 1986)
  - sequestration of the licensee's estate is awarded (section 12(1) Bankruptcy (Scotland) Act 1985).

A person may apply to reinstate a licence (section 195 of the Act) within six months of it having lapsed.

### **Loss / theft of licence**

- 6.32** If a premises licence or summary of licence is lost or stolen, the licence holder must apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required to ensure that the licence holder has reported the loss or theft to the police.

### Provisional statements

- **Relevant part of the Act: section 204**
- **Regulations: SI No 2007/459 (The Gambling Act 2005 (Club Gaming Permits) (Authorised Gaming) Regulations 2007) and SI No 2007/196 (The Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007)**

#### What is a provisional statement?

- 6.33** Application may be made to a licensing authority for a provisional statement in respect of premises that the applicant expects to be constructed or altered, or where they expect to acquire a right to occupy.

Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence (either for a different type of gambling or the same type).

#### What other gambling permissions are required?

- 6.34** Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have a right to occupy the premises in respect of which their premises licence application is made. There is a separate form for provisional statement applications. These restrictions do not apply in relation to an application for a provisional statement. In circumstances in which an applicant has also applied to the Commission for an operating licence, the Commission will not be able to comment on whether the application is likely to be granted; and the licensing authority should not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.

#### Applications

- 6.35** The local chief officer of police is sent a notice of each application for a provisional statement. The applicant is responsible for sending this. The notice states the date by which the police may make representations about the application, if they choose to (the period is required to be no less than 28 days, starting from the date on which the application was made to the licensing authority).
- 6.36** When determining whether or not to make representations, the advice set out at paragraphs 6.15 – 6.24 of this document may also be useful for provisional statement applications.
- 6.37** As with premises licence applications, representations should be made formally and in writing to the relevant licensing authority.
- 6.38** For further information about provisional statements refer to the Commission's *Guidance to Licensing Authorities 2<sup>nd</sup> edition*, updated October 2008<sup>6</sup>.

---

<sup>6</sup> [Guidance to Licensing Authorities](#)

### Family entertainment centre gaming machine permits

- **Relevant parts of the Act: Schedule 10, section 309**
- **Regulations: SI No 2007/454 (The Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007)**

#### Family entertainment centre gaming machine permits

- 6.39** This type of permit (often also referred to as an ‘unlicensed FEC’ or a ‘UFEC’) enables the holder to site gaming machines in a particular area. They are often found as arcades on sea-fronts in coastal resorts, but can also be found within venues such as airports and motorway service stations.
- 6.40** The permit holder is only entitled to site category D gaming machines (Annex B), such as penny pushers that can be played by under-18s. The premises that are the subject of the permit must be wholly or mainly used for the provision of gaming machines.

#### What other gambling permissions are required?

- 6.41** None. Permit holders do **not** need to also hold an operating licence issued by the Commission. The permit holder is however required to be 18 or over.

#### Role of police in application process

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

#### Provision of permit

- 6.44** The permit has to be kept on the premises, and police officers are entitled to request that the permit is produced under Schedule 10(20) of the Act.

#### Consumption of alcohol in premises that are the subject of a family entertainment centre gaming machine permit

- 6.45** Alcohol consumption is permitted in family entertainment centres that exist under this type of permit. Police officers should note that this is not the case for family entertainment centres that are the subject of premises licences – and have higher category gaming machines - where the consumption of alcohol is prohibited by a condition of the premises licence. More information on this restriction can be found in section 10 of this document.

#### Loss or theft of permit

- 6.46** If a family entertainment centre gaming machine permit is lost or stolen, the permit holder may apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required (under Schedule 10(21) of the Act) to ensure that the permit holder reported the loss or theft to police.

### Club gaming permits and club machine permits

- **Relevant part of the Act: Schedule 12**
- **Regulations: SI No 2007/1834 (The Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007) and SI No 2007/504 (The Club Gaming and Club Machine Permits (Scotland) Regulations 2007) SI No 2007/1942 (The Gambling Act 2005 (Gaming in Clubs) Regulations 2007) SI No 2007/1944 (The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007) SI No 2007/1945 (The Gambling Act 2005 (Club Gaming Permits (Authorised Gaming)) Regulations 2007)**

#### Clubs and club permits

- 6.47** Club gaming and club gaming machine permits authorise the provision of certain gambling facilities in members clubs, commercial clubs and miners' welfare institutes, providing the club in question meets the definitions set out in sections 266, 267 and 268 of the Act.
- 6.48** Club permits have replaced the registration scheme that clubs previously used to obtain gambling permissions under the Betting, Gaming and Lotteries Act 1963. These were commonly referred to as Part II and Part III registrations.
- 6.49** More information on considerations for police towards gambling in clubs can be found in section 18 of this document.

#### What other gambling permissions are required in order to hold this type of permit?

- 6.50** Permit holders do not need to also hold an operating licence issued by the Commission. However, some clubs operate high-turnover bingo games (exceeding a turnover of £2,000 a week) and as such are required to hold a relevant operating licence from the Commission.

#### Provision of club permit

- 6.51** The permit has to be kept on the premises, and police are entitled to request that the permit is produced (under Schedule 12 (13) of the Act).

#### Applications

- 6.52** Applicants for club permits are required to send the local chief officer of police a copy of their application at the time as they send the application to the relevant licensing authority. At this stage, police may decide to contact the licensing authority to raise any matters they deem necessary regarding the application.
- 6.53** Licensing authorities may approach police during the application process with regard to carrying out criminal disclosure checks on the applicant.
- 6.54** Licensing authorities will inform police regarding the outcome of each application for club permits, and the reason for that decision if any objections to the permit application were received.

#### Relationship with club premises certificate

- 6.55** Applicants for club gaming permits or club machine permits in England and Wales that already have a club premises certificate issued under the Licensing Act 2003 can use a 'fast-track' application route when applying for their permit. This process is set out in Schedule 12(10) of the Act, and removes the requirement on the applicant to send a copy of their application to the local chief officer of police.
- 6.56** There is currently no equivalent 'fast-track' route available in the Act for clubs applying for permits in Scotland.

## The Gambling Act 2005 – Advice for British police services

### Is any other information relating to club permits sent to the police?

**6.57** Licensing authorities are also required to inform their local chief officer of police when:

- they believe a club permit has lapsed (under Schedule 12(20) of the Act)
- they have been informed that a club permit holder is surrendering their permit (under Schedule 12(20) of the Act)
- they cancel a club permit (under Schedule 12(21(3)) of the Act).

### Loss or theft of permit

**6.58** If a club gaming or machine permit is lost or stolen, the permit holder can apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required (under Schedule 12(16) of the Act) to ensure that the permit holder reported the loss/theft to police.

## Alcohol-licensed premises automatic entitlement to two gaming machines

- **Relevant parts of the Act: section 282 and Schedule 13**

### What is the automatic entitlement?

**6.59** Holders of premises licences issued under the Licensing Act 2003 and relevant Scottish alcohol legislation are automatically entitled to make available up to two gaming machines within categories C and D (Annex B). This is not a permit, as the entitlement exists automatically by virtue of the existence of an on-premises alcohol licence. Consequently there is no application process that police will be involved in for this type of permission.

### What other gambling permissions are required?

**6.60** None.

### Applications

**6.61** The holder of the on-premises alcohol licence must inform their local licensing authority that they intend to make use of the automatic entitlement. Police are not consulted at any stage of this process.

## Licensed premises gaming machine permits

- **Relevant part of the Act: Schedule 13**
- **Regulations: SI No 2007/1833 (The Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007) and SI No 2007/505 (The Licensed Premises Gaming Machine Permits (Scotland) Regulations 2007)**

### What is a licensed premises gaming machine permit?

**6.62** Holders of premises licences issued under alcohol licensing legislation are also entitled to apply to their local licensing authority for a 'licensed premises gaming machine permit'. This type of permit allows the holder to provide higher numbers of category C and D gaming machines at their premises (Annex B). Application for a permit must be made to the licensing authority. The permit specifies the number of machines that are authorised.

## The Gambling Act 2005 – Advice for British police services

### What other gambling permissions are required?

- 6.63** None. The permit holder is however required to hold a suitable alcohol licence issued under the Licensing Act 2003 (for England and Wales) or the Licensing (Scotland) Act 2005.

### Provision of permit

- 6.64** The permit has to be kept on the premises, and police are entitled to request that the permit is produced (under Schedule 13(10) of the Act).

### Applications

- 6.65** Applicants for licensed premises gaming machine permits are **not** required to send the local chief officer of police a copy of their application.

### Loss or theft of permit

- 6.66** If a licensed premises gaming machine permit is lost or stolen, the permit holder can apply for a replacement copy from the issuing licensing authority. Before the replacement can be issued however, the licensing authority is required (under Schedule 13(11) of the Act) to ensure that the permit holder reported the loss or theft to police.

## Temporary use notices

- **Relevant part of the Act: Part 9**
- **Regulations: SI No 2007/3157 (The Gambling Act 2005 (Temporary Use Notices) Regulations 2007a)**

### What is a temporary use notice?

- 6.67** A temporary use notice may be served on licensing authorities where the issuer wishes to provide facilities for equal chance gaming (generally poker) temporarily at a premises. The gaming provided must take the form of a competition intended to produce a single overall winner. The notice authorises the premises to be used for the provision of equal chance gaming during the period specified in the notice (up to 21 days for a set of premises in a 12 month period). An example of how a temporary use notice might be used is where a poker tournament is being held in a hotel.

A temporary use notice must include, amongst other things (see Section 216 of the Act):

- the activity to be carried out
- the premises to be used
- period of time and times of day the activity will take place
- any periods during the previous 12 months when a temporary use notice has applied to the premises in the application.

Licensing authorities are obliged (section 234 of the Act) to maintain and make accessible to the public, a register of temporary use notices given.

A temporary use notice must be prominently displayed at the premises where the activity is taking place, during the times when it is taking place. The notice must also be made available to a police officer on request. It is an offence to fail to comply with either of these requirements (section 229 of the Act).

### What other gambling permissions are required?

- 6.68** Temporary use notices may only be served on licensing authorities by operating licence holders.

## The Gambling Act 2005 – Advice for British police services

### Provision of permit

- 6.69** A copy of the temporary use notice endorsed by the licensing authority has to be kept on the premises whilst the event is taking place, and police are entitled to request that the notice is produced.

### Applications

- 6.70** Applicants for temporary use notices are required to send a copy of their notice (as served on the licensing authority) to the local chief officer of police of the area where the event is to be held. Notices must be served on the licensing authority and police no less than three months in advance of the event taking place.
- 6.71** Upon receipt of a temporary use notice, police should consider whether they wish to object to any aspect of the notice. Specifically they should consider whether the gambling set out on the notice should take place, or only with modifications. They may wish to contact the licensing team at the local authority in question to discuss the notice.
- 6.72** The principles involved in deciding whether to grant a temporary use notice are the same as those in determining a premises licence application (section 6 of this document and Part 14 of the Commission's *Guidance to Licensing Authorities*<sup>7</sup>).
- 6.73** Objections must be lodged within 14 days of the date that the temporary use notice was issued to the licensing authority. They should be sent as a formal notice of objection to both the licensing authority and the person or organisation that issued the temporary use notice.
- 6.74** Police officers are entitled by virtue of section 315(1) of the Act to enter premises in respect of which a temporary use notice is being given, in order to assess the effect of the proposed gambling activity upon the licensing objectives (paragraph 2.5 of this document).
- 6.75** Where objections are received the licensing authority must hold a hearing to listen to responses from the person or organisation issuing the temporary use notice. If police have lodged objections they may attend and offer modifications to the notice that will alleviate their concerns. If the modifications are accepted by the applicant, a new temporary notice must be prepared and the original notice withdrawn.
- 6.76** Following a hearing, licensing authorities may issue a counter-notice if they believe that the temporary use notice should not take effect. The counter-notice can:
- prevent the temporary use notice from taking effect
  - limit the activities that are permitted
  - limit the time period of the gambling
  - allow the activities to take place subject to a specified condition.

Again police will be copied with the counter-notice.

- 6.77** If no objections are made within 14 days of the date the temporary use notice was issued, the authority must endorse the notice as valid and return it to the person who gave it.

---

<sup>7</sup> [Guidance to Licensing Authorities](#)

### Occasional use notices

- **Relevant part of the Act: section 39**

#### What is an occasional use notice?

- 6.78** Occasional use notices can be served on licensing authorities where the issuer wishes to temporarily permit betting to be provided at a track venue where a sporting event is due to take place. The track does not need to be a permanent fixture, and can be an area of land that has other uses besides being a track. It could for example be a night club where a sporting event was taking place for the purposes of the notice. The notice authorises the track premises to be used for the provision of betting during the period specified in the notice (up to eight days per calendar year for all notices relating to each temporary track). One of the most common uses for an occasional use notice is to permit betting facilities to be provided at point-to-point race meetings.

#### What other gambling permissions are required?

- 6.79** Occasional use notices can be served on licensing authorities by anyone with authority to use the land as a track for a sporting event (such as the land owner where the event is to take place). However, the betting facilities at the event can only be provided by betting operators that hold operating licences issued by the Commission.

#### Applications

- 6.80** Applicants for occasional use notices are required to send a copy of their notice (as served on the licensing authority) to the local chief officer of police of the area where the event is to take place.
- 6.81** However, unlike temporary use notices, there is no facility for issuing counter-notices to prevent an occasional use notice from taking effect. The only circumstance under which an occasional use notice can be dismissed is where the maximum eight day limit (per calendar year) for the track had been used already. This is a responsibility of the licensing authority to check.

### Prize gaming permits

- **Relevant parts of the Act: sections 288, 289, 311, and Schedule 14**
- **Regulations: SI No 2007/455 (The Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007) SI No 2007/1777 (The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007)**

#### What is a prize gaming permit?

- 6.82** Prize gaming is defined by section 288 of the Act as gaming where the nature and size of the prize on offer is fixed by the gaming operator before the start of play, and is not determined by how many people play or how much is raised in the course of the gaming. This type of permit enables the holder to run prize gaming at a particular premises.

#### What other gambling permissions are required?

- 6.83** None.

#### Applications

- 6.84** Licensing authorities may only grant an application for a prize gaming permit if they have consulted the chief officer of police of the area where the premises are located. Section 311(1) of the Act entitles a police officer to enter premises which are the subject of this type of application if they require to do so as part of the application process.

## The Gambling Act 2005 – Advice for British police services

- 6.85** Licensing authorities may approach police during the application process with regards to carrying out criminal disclosure checks on the applicant.

### Provision of permit

- 6.86** A copy of the prize gaming permit has to be kept on the premises, and police officers are entitled to request that the notice is produced (under Schedule 14(20) of the Act).

### Other information

- 6.87** Several gambling premises are entitled to offer prize gaming without necessarily needing to be the subject of a prize gaming permit, including bingo operators and adult gaming centres.
- 6.88** Unlike many other forms of gambling, under-18s are entitled to participate in prize gaming, providing it is equal chance prize gaming, such as bingo.

## 7 Premises licence reviews and the appeals process

- 7.1** The local licensing framework, described in this section, includes mechanisms by which the circumstances of a particular gambling premises can be reviewed. There is also a route of appeal available to gambling operators against decisions made by licensing authorities.
- 7.2** Police have an important role to play towards premises licence reviews and appeals, both in terms of supporting licensing authorities and in their capacity as a responsible authority under the Act. This section of the document looks at the structure of premises licence reviews and appeals, and how police may be involved in this process.
- 7.3** The premises licence review and appeal process towards gambling premises is similar in appearance to the review and appeal process for alcohol premises licences existing under the Licensing Act 2003 and Licensing (Scotland) Act 2005. However, it should be noted that there are different considerations within gambling legislation and alcohol licensing legislation governing when a premises licence should be the subject of a review. The considerations towards gambling premises are discussed in the remainder of this section.

### Applying for, and participating in, a premises licence review

- **Relevant part of the Act: Part 8**
- **Regulations: SI No 2007/2258 (The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007) SI No 2007/394 (The Gambling Act 2005 (Review of Premises Licences) (Scotland) Regulations 2007)**

### Premises licence reviews

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

## **The Gambling Act 2005 – Advice for British police services**

### **Police involvement in premises licence reviews**

**7.6** As a responsible authority under the Act, police may request a review of a premises licence, in accordance with section 197 of the Act. They may also contribute to premises licence reviews that are requested by other parties, or that are initiated by licensing authorities themselves.

### **Reasons to request a review of a premises licence**

**7.7** If police are concerned about a particular gambling premises in their local area, for example if they are aware of criminal activity taking place at a specific premises, they may apply to the issuing licensing authority for a review of the premises licence. Section 198 of the Act sets out a number of criteria to which licensing authorities should refer to when deciding whether to accept the application for a review, namely that a licensing authority may decide to reject an application for a review if the grounds:

- are not relevant to the Commission's guidance or codes of practice, the licensing authority's policy statement, or the three licensing objectives
- are found to be frivolous, vexatious, or not going to lead to the licensing authority revoking or suspending the licence, or changing licence conditions
- are substantially the same as grounds previously reviewed against the premises in question
- are substantially the same as representations made at the time the premises licence was first applied for.

**7.8** Therefore, before deciding whether to apply to a licensing authority for a review of a premises licence, police may look instead, in the first instance, to contact the licensing authority in question to discuss the specific concerns connected to the gambling premises. This may help both parties to agree whether a premises licence review would be helpful in addressing the issues raised, or whether another course of action is more appropriate (such as using powers under other legislation, or meeting with the owner of the gambling premises to talk about the concerns).

**7.9** It should be noted that, unlike the Licensing Act 2003 and Licensing (Scotland) Act 2005, the Act does not include the prevention of public nuisance as a specific licensing objective (unless the activity leading to the public nuisance could be held as fitting with the licensing objective of preventing crime and disorder associated with gambling). Nuisance associated with gambling premises therefore is unlikely to be grounds for a review of a premises licence, and should instead be tackled directly under other relevant legislation.

### **Police contributions to premises licence reviews**

**7.10** Police are a responsible authority for premises licence reviews, and as such are sent a 'notice of intention to carry out a review' when a gambling premises in their local area is having its premises licence reviewed. The notice is sent to them by the organisation or individual applying for the review, and a period of 28 days is made available in which representations can be made to the licensing authority. Notice of the application for a premises licence review must be given to the licence holder and all other responsible authorities under the Act.

**7.11** The licensing authority is required to publish a notice of the intention to carry out a review in a local newspaper or on their website, and to fix a notice outside the premises itself.

**7.12** When considering whether or not to make representations to be taken into account as part of a gambling premises licence review, police are entitled to enter the premises in question (under section 313(2) of the Act).

**7.13** Again, before deciding whether or not to make representations relating to a premises licence review, police services may want to check against the criteria shown in paragraph 7.7 of this document, which are the criteria against which a licensing authority will assess representations.

### Appeals process and the role of the police

- **Relevant parts of the Act: sections 206-209**

**7.14** Decisions made by licensing authorities relating to gambling permissions issued under the Act can be subject to appeal.

#### **Appealing decisions made regarding applications for premises licences or provisional statements**

**7.15** For example, where individuals or organisations make representations towards a premises licence application or a provisional statement application, and the application is then granted by the licensing authority, a route of appeal opens against the decision. Consequently, where police make a representation towards a premises licence or provisional statement application, they will be entitled to appeal the outcome of the application, as they will be a party to the decision. Appeals of this nature should be lodged with the local magistrates' court or sheriff within 21 days of the outcome of the application being formally communicated to the police (via a notice of determination).

#### **Appealing decisions made regarding applications for club permits and temporary use notices**

**7.16** Police also have a right of appeal for licensing authority decisions where they have made representations relating to:

- club gaming permits and club machine permit applications (under Schedule 12(25) of the Act)
- temporary use notices (under section 226 of the Act).

**7.17** Police will be sent details of the outcome of the club permit application, or in the case of temporary use notices a copy of the notice endorsed by the licensing authority, and again will then have 21 days from receiving this document in which to appeal to the local magistrates' court or sheriff.

#### **Appealing decisions made following a premises licence review**

**7.18** The process described above also applies to decisions made by licensing authorities following a review of a premises licence – police who make representations during the course of the review will be entitled to appeal the final decision taken by the licensing authority.

## **8 Betting**

**8.1** Commercial betting can take place in betting premises, which are found throughout Great Britain on most high streets, and are often referred to as bookmakers, licensed betting offices, or betting shops. They can also be found in other premises such as racetracks (section 13 of this document).

**8.2** Betting premises may only exist under an operating licence, issued by the Commission, and a betting premises licence, issued by the licensing authority covering the area where the premises is situated.

#### **Under-18s and entry to betting premises**

**8.3** Under-18s are not allowed to enter betting premises, and each premises is required (as a condition of their premises licence) to display a notice at each entrance stating this.

## The Gambling Act 2005 – Advice for British police services

### Alcohol consumption in betting premises

- 8.4** It is a condition of every betting premises licence that no alcohol can be consumed on the premises when gambling is taking place. It is the responsibility of the licence holder and their employees to ensure that this is upheld.

### Door supervision at betting premises

- 8.5** Door supervisors are not commonly found at betting premises. Age verification (in terms of ensuring under-18s are not permitted to enter the premises) is often carried out by cashiers challenging, for example, anyone appearing to be under 21 attempting to place a bet.
- 8.6** Licensing authorities have discretion to attach their own conditions to premises licences issued under the Act, and may seek to require door supervision at premises via this method. In the event that a licensing authority sets such a condition at a betting premises, section 178 of the Act requires that the supervisor(s) holds a suitable licence issued by the Security Industry Authority (SIA).

### Gaming machines in betting premises

- 8.7** Betting premises are entitled to provide up to four gaming machines for their customers, and these can be within categories B2 (often referred to as 'fixed odds betting terminals', or FOBTs) to D. A summary of the machine categories and premises types can be found in Annex B of this document.

### Can police use powers in the Act to tackle crime and disorder at betting premises?

- 8.8** Police may use the powers of the Act to take action where a gambling-related offence is committed under the Act in accordance with the summary of offences shown in section 25 of this document and the powers shown in section 3 of this document.
- 8.9** However, crime and disorder that is not linked to an offence under the Act or to the actual gambling facilities provided at a betting premises should be tackled under other relevant legislation or as common law offences. For example, if money was stolen from a cashier in a betting premises it is likely that the offence should be handled under the same legislation that would be used for theft offences anywhere, as there is no provision for this within the Act.
- 8.10** Police are a responsible authority under the Act and may request that a licensing authority reviews a particular premises licence.

### Non-commercial and private betting

- 8.11** Betting can take place on a commercial basis provided it is carried out by suitably licensed individuals and organisations, and takes place on premises that are covered by the appropriate permission under the Act. Commercial betting is illegal if it takes place outside of these requirements.
- 8.12** For example, commercial betting in pubs is illegal. The Commission has published a leaflet called *Betting in pubs and clubs* which provides further information on this subject. This is available on the Commission's website<sup>8</sup>.
- 8.13** However if the betting is non-commercial (where no part of any proceeds from the betting are taken for private gain) it may be legally carried out under Part 14 of the Act. An example might be a charity race night, that is a fund-raising event involving betting where the proceeds from the betting activity are used for non-commercial purposes.
- 8.14** Similarly, betting may also be legally carried out where it is private and taking place between co-workers or people living in the same premises. Private betting is defined at Schedule 15 of the Act.

---

<sup>8</sup>[Betting in pubs and clubs](#)

### 9 Casinos

9.1 Casinos offer casino games such as roulette and blackjack. They exist under an operating licence issued by the Commission and a casino premises licence issued by the local licensing authority.

#### Casinos and under-18s

9.2 It is illegal for under-18s to enter a casino and notices to this effect are required to be displayed at entrances.

9.3 Under the Act new categories of casino (Large and Small casinos) are to be permitted offering a wider range of gambling facilities in selected local authority areas.

#### Alcohol consumption in casinos

9.4 There are no restrictions in the Act with regard to the consumption of alcohol in casinos. However under the *Licence Conditions and Codes of Practice*<sup>9</sup> if licensees offer customers free or discounted drinks for consumption on the premises, the availability of the drinks must not in any way be related to whether the customer either begins or continues to gamble. In addition licensees must not make unsolicited offers of free alcoholic drinks for immediate consumption by customers when they are participating in a casino game or playing a gaming machine.

#### Door supervision at casinos

9.5 Section 178 of the Act requires that where a licensing authority attaches a condition to a premises licence requiring door supervision, that the persons employed as door supervisors at the gambling premises hold a suitable licence issued by the Security Industry Authority (SIA). This requirement is relaxed for some door supervisors directly employed by the casinos.

9.6 If someone is employed as a door supervisor at a casino, and is employed directly by the casino itself (as 'in-house' staff), they are not be required to be licensed by the SIA, due to an exemption created through Schedule 2 of the Private Security Industry Act 2001.

9.7 However, the exemption does **not** apply to people working under a contract of employment with another company as door supervisors at casinos (so if they work at the casino but are actually employed by a security company, for example). Contract staff working as door supervisors at casinos must be SIA licensed.

#### Gaming machines in casinos

9.8 Casinos that existed under permissions granted to them before the introduction of the new gambling legislation on 1 September 2007 are entitled to provide up to 20 gaming machines for their customers within categories B to D, or they can provide unlimited category C or D gaming machines instead. There are higher machine entitlements for the 'new' casinos that will exist as Small and Large casinos under the Act.

9.9 A summary of the machine categories and premises types can be found in Annex B of this document.

#### Can the Act be used to tackle crime and disorder at casinos?

9.10 Police may use the powers of the Act to take action where a gambling-related offence is committed under the Act in accordance with the summary of offences shown in section 25 of this document and the powers shown in section 3 of this document.

---

<sup>9</sup> [Licence Conditions and Codes of Practice](#)

## The Gambling Act 2005 – Advice for British police services

- 9.11** However, crime and disorder that is not linked to an offence under the Act or to the actual gambling facilities provided at a casino premises should be tackled under other relevant legislation or as common law offences. For example, if money was stolen from a cashier in a casino premises it is likely that the offence should be handled under the same legislation that would be used for theft offences anywhere, as there is no provision for this within the Act.
- 9.12** Police are a responsible authority under the Act and may request that a licensing authority reviews a particular premises licence.

## 10 Amusement arcades

### What different types of arcade are there?

- 10.1** There are a number of different types of premises that may exist under the Act to offer gaming machines to their customers, and are often referred to collectively as arcades, as follows:
- adult gaming centres (AGCs)
  - family entertainment centres (FECs)
  - unlicensed family entertainment centres (UFECs)
  - alcohol-licensed premises gaming machine permits.
- 10.2** The different types are permitted to offer different categories of gaming machine, ranging from category B machines with potential jackpots up to £500 through to category D machines which may be played by under-18s. A summary of the machine categories and premises types can be found in Annex B of this document.
- 10.3** Arcades are often found on high streets but can also be found as a premises occupying part of a larger complex, including for example a bowling alley, at an airport, or inside a motorway services station. They are also commonly located in coastal resorts, situated on piers and in holiday parks.
- 10.4** Some types of amusement arcade may offer prize gaming such as bingo to their customers. This is discussed in section 11 of this document.

### Common characteristics of AGCs

- 10.5** An AGC is a gaming machine premises that exists under an operating licence issued by the Commission and a premises licence from the local licensing authority, and is permitted to offer gaming machines in categories B3 and B4 (up to four machines in total) and C and D (an unlimited number).
- 10.6** It is illegal for under-18s to enter an adult gaming centre, and notices to this effect are required to be displayed at entrances.
- 10.7** Alcohol may not be consumed in an AGC when gambling facilities are being provided (ie when open for business as an AGC), and a notice to this effect must be displayed at entrances.
- 10.8** An AGC premises licence places no restrictions on hours of business.

### Common characteristics of FECs

- 10.9** An FEC is a gaming machine premises that exists under an operating licence issued by the Commission and a premises licence from the local licensing authority, and is permitted to offer an unlimited number of gaming machines in categories C and D.

## **The Gambling Act 2005 – Advice for British police services**

- 10.10** Under-18s are permitted to enter an FEC. They are not however permitted to enter areas within the FEC where category C gaming machines are situated. It is a condition of FEC premises licences that areas with category C gaming machines are supervised at all times, are separated from the rest of the premises by a physical barrier, and that a notice is displayed at the entrance to category C areas stating that under-18s are not permitted to enter.
- 10.11** Alcohol may not be consumed in an FEC when gambling facilities are being provided (ie when open for business as an FEC), and a notice to this effect must be displayed at FEC entrances.
- 10.12** An FEC premises licence places no restrictions on hours of business.

### **Common characteristics of UFECs**

- 10.13** A UFEC is a gaming machine premises that exists under a permit issued by the local licensing authority. A UFEC is permitted to offer an unlimited number of category D gaming machines.
- 10.14** Under-18s may enter a UFEC and are free to use all gaming machines without supervision.
- 10.15** There are no restrictions within the Act or supporting legislation regarding alcohol consumption in UFECs.
- 10.16** UFEC opening hours are agreed with the licensing authority at the time of application for the permit (or at the time of conversion of an old 'section 34' permit into a permit under the Act).

### **Common characteristics of gaming machine permits in alcohol licensed premises**

- 10.17** This type of permit authorises the holder to provide a specified number of gaming machines from categories C and D in premises that have an 'on-premises' alcohol licence issued under relevant alcohol licensing legislation. The issuing licensing authority specifies the maximum number of gaming machines that are allowed at the premises. Such premises must not be primarily established to offer gaming machines; if they are they should instead be the subject of an AGC or FEC permission. The machines must be a subsidiary activity to the existence of the alcohol licence, and if customers were visiting the premises purely to use gaming machines the issuing licensing authority could look to restrict the number of gaming machines available via the permit.
- 10.18** Under-18s may enter this type of premises. However they are not permitted to play category C gaming machines. As a result, category C machines must be supervised in accordance with the Commission's *Gaming Machine Permits Code of Practice*, available from the Commission's website <sup>10</sup>.

### **Can the Act be used to tackle crime and disorder at arcade premises?**

- 10.19** Police may use the powers of the Act to take action where a gambling-related offence is committed under the Act in accordance with the summary of offences shown in section 25 of this document and the powers shown in section 3 of this document.
- 10.20** However, crime and disorder that is not linked to an offence under the Act or to the actual gambling facilities provided at arcade premises should be tackled under other relevant legislation. For example, if gaming machines were broken by a customer attempting to get money from the machine, the offence committed should be approached under appropriate legislation for handling that type of crime, as there is no provision for this within the Act.
- 10.21** Police are a responsible authority under the Act and may request that a licensing authority reviews a particular premises licence.

---

<sup>10</sup>[Gaming Machine Permits Code of Practice](#)

## 11 Bingo

11.1 Bingo may be played commercially in different types of premises, including:

- bingo premises (ie bingo halls)
- amusement arcades (played as prize gaming at an AGC, an FEC or a UFEC)
- travelling fairs (played as prize gaming)
- pubs, clubs and institutes (played as equal chance gaming or prize gaming).

### Bingo and under-18s

11.2 Under-18s are entitled to play bingo in certain circumstances, depending on where and in what context the bingo is being played. If it is prize gaming, where the bingo is played for a prize that remains the same regardless of how many people play, under-18s can participate. For example, premises such as FECs, UFECs, funfairs and some clubs will run bingo games as prize gaming.

11.3 However if the bingo is played in a dedicated bingo premises (where it is the primary purpose of the venue) under-18s cannot participate. Some bingo premises allow under-18s to enter as part of a family group for example, but the under-18s cannot join in the gaming.

### Alcohol consumption in bingo premises

11.4 There are no automatic restrictions on a bingo premises licence with regard to the consumption of alcohol.

### Gaming machines in bingo premises

11.5 Commercial bingo premises, where bingo is the primary purpose of the venue, are entitled to provide up to eight gaming machines within categories B3 and B4, and can also provide an unlimited number of category C and D machines for their customers.

11.6 A summary of the machine categories and premises types can be found in Annex B of this document.

### Door supervision at bingo premises

11.7 Section 178 of the Act requires that where a licensing authority attaches a condition to a premises licence requiring door supervision, that the persons employed as door supervisors at the gambling premises hold a suitable licence issued by the SIA. This requirement is relaxed for some door supervisors at bingo premises.

11.8 If someone is employed as a door supervisor at a bingo premises and is employed directly by the bingo premises itself (as 'in-house' staff) they are not required to be licensed by the SIA, due to an exemption created through Schedule 2 of the Private Security Industry Act 2001.

11.9 However the exemption does **not** apply to people working as door supervisors at bingo premises that are under a contract of employment with another company (so if they work at the bingo premises but are actually employed by a security company, for example). Contract staff working as door supervisors at bingo premises must be SIA licensed.

### Can the Act be used to tackle crime and disorder at bingo premises?

11.10 Police may use the powers of the Act to take action where a gambling-related offence is committed under the Act in accordance with the summary of offences shown in section 25 of this document and the powers shown in section 3 of this document.

## **The Gambling Act 2005 – Advice for British police services**

- 11.11** However, crime and disorder that is not linked to an offence under the Act or to the actual gambling facilities provided at a bingo premises should be tackled under other relevant legislation or as common law offences. For example, if gaming machines were damaged by a customer attempting to get money from the machine, the offence committed should be approached under appropriate legislation for the act of causing the damage, as there is no provision for this within the Act.
- 11.12** Police are a responsible authority under the Act and may request that a licensing authority reviews a particular premises licence.

## **12 Fairs**

- 12.1** A travelling fair is defined by section 286 of the Act as ‘consisting wholly or principally for the provision of amusements’. Where a fair provides facilities for gambling it may provide these for up to 27 days per calendar year at a single premises. For example, if a fair is based in a park for 26 days, it could only return to that same park for one more day in the calendar year. Licensing authorities are responsible for monitoring this limit.
- 12.2** The gambling facilities that the Act permits to be provided at funfairs meeting the above definition are prize gaming and gaming machines.
- 12.3** In addition to the 27 day limit set down in the Act, local authorities may adopt byelaws to control travelling fairs under a discretionary power set out in section 75 of the Public Health Act 1961 (as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976).

### **Prize gaming at travelling fairs**

- 12.4** Section 292 of the Act allows travelling fairs to legally provide prize gaming such as bingo, providing the following conditions (at section 293 of the Act) are upheld:
- the prize gaming is an ancillary amusement (ie not the main purpose) of the fair
  - all chances to participate in each game must only be sold on the day of the game and at the fair itself
  - each game must be played in full on the day the chances to participate are sold
  - the result of each game must be made publicly available where the game is played after the game has finished
  - the gaming does not entitle a player to participate in another form of gambling
  - the limits set down in regulations on prize gaming are adhered to (SI No 2007/1777 The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007)
  - the participation fee per player per game cannot exceed 50p (and the aggregate amount for all participation fees in a game cannot exceed £500)
  - if a prize is a cash prize, it cannot exceed £35
  - if a competition involves more than one prize the value of all prizes cannot exceed £500.

- 12.5** Under-18s are allowed to participate in prize gaming played at travelling fairs.

### **Gaming machines at travelling fairs**

- 12.6** Travelling fairs may also provide an unlimited number of category D gaming machines (see Annex B for details) without requiring a permit or permission from a licensing authority. As with prize gaming, the machines must be an ancillary part of the fair rather than the main attraction.
- 12.7** Any gaming machine provided at a travelling fair operating in Great Britain must be capable of meeting the technical standards set out by the Commission (available through the Commission’s website).

## The Gambling Act 2005 – Advice for British police services

### Can the Act be used to tackle crime and disorder at travelling fairs?

- 12.8 Police may use the powers of the Act to take action where a gambling-related offence is committed under the Act in accordance with the summary of offences shown in section 25 of this document and the powers shown in section 3 of this document.
- 12.9 However, crime and disorder that is not linked to an offence under the Act or to the actual gambling facilities provided at a travelling fair should be tackled under other relevant legislation or as common law offences. For example, if money was stolen from a cashier in a travelling fair it is likely that the offence should be handled under the same legislation that would be used for theft offences anywhere, as there is no provision for this within the Act.
- 12.10 Police are a responsible authority under the Act and may request that a licensing authority reviews a particular premises licence.

## 13 Tracks (horseracing, greyhound stadiums etc)

### Permanently-situated tracks

- 13.1 Section 353 of the Act defines a track as a horse-race course, a dog track, or another premises on any part of which a race or other sporting event takes place or is intended to take place. The definition therefore covers venues such as football grounds, motor-racing circuits, and other sports stadia where betting occurs on site.
- 13.2 As a result of this wide definition, it is likely that most forces will have at least one permanently-situated premises in their area that is defined as a track under the Act. Where such tracks provide facilities for betting, they are required to hold a track premises licence issued by the local licensing authority.

### Temporary tracks

- 13.3 However, the definition also captures places that are only being used temporarily to provide races or sporting events, and that have other purposes most of the time. For example, other premises that could be considered as a track under the Act include a hotel staging a snooker tournament for two weeks (even though primarily it is a hotel), a field being used to provide a point-to-point horseracing event, or a section of riverbank being used to host an angling contest.
- 13.4 Some forces will therefore have places that are used temporarily as a track in their area. Betting facilities need to be the subject of an occasional use notice, as described in paragraphs 6.78 – 6.81 of this document. The local chief officer of police is sent a copy of every occasional use notice issued.

### What gambling takes place at a track?

- 13.5 The Act permits certain gambling facilities to be provided at tracks. Although the main gambling type is betting, many tracks also have gaming machines available.

### Betting at tracks

- 13.6 Tracks such as racecourses and dog tracks allow betting operators to go onto the track on race days and accept bets. All betting operators working on tracks must hold a suitable operating licence issued by the Commission – for example each betting operator that takes bets from a stand must be licensed.
- 13.7 Larger tracks such as football stadia will often have a contract with a high-street betting operator to provide betting facilities at the stadium from kiosks or from an actual betting premises that is located on the track. The operator providing the betting is required to be suitably licensed by the Commission.

## **The Gambling Act 2005 – Advice for British police services**

- 13.8** Some dog track owners are entitled under the Act to offer facilities for pool betting at their track. Such track owners offering pool betting must hold a suitable operating licence in order to do so.

### **Gaming machines at tracks**

- 13.9** Many permanently-situated tracks have an 'on-premises' alcohol licence, and as such are entitled to make use of their automatic gaming machine entitlement to have up to two gaming machines (within categories C and D). If the track also offers betting facilities it is required to be the subject of a track premises licence, and the existence of this licence prevents the track from holding a permit authorising more gaming machines. However before the introduction of the new gambling legislation on 1 September 2007 tracks were entitled to apply for a permit authorising them to have more gaming machines, and these permits have been protected under the new regulatory regime. Therefore some tracks are legally able to offer higher numbers of gaming machines via a permit (on the assumption that the permit holder made the correct application in time, the right to make available the same number of machines as were permitted under the previous legislation, will be preserved indefinitely).
- 13.10** Where a track has a betting premises situated on it (ie effectively a high-street betting shop in a track environment), the shop will be the subject of a betting premises licence issued by a licensing authority. The betting operator running the premises will be entitled to provide up to four gaming machines within the walls of the betting premises, and these can be within categories B2 to D (in addition to any gaming machines existing elsewhere at the track).
- 13.11** Where a dog track owner provides pool betting facilities under an operating licence, the owner is entitled to site up to four gaming machines on their track within categories B2 to D (in addition to any gaming machines existing in reliance on an alcohol licence).

### **Under-18s on tracks**

- 13.12** There are no restrictions within the Act on under-18s visiting a track or moving into the different areas of a track, and it is common practice for families to attend tracks to watch sport and other events. However, it is illegal for under-18s to place bets and as such all permanently-situated tracks where betting is offered are required (through their track premises licence) to place prominent notices at public entrances stating that no person under 18 is permitted to bet on the premises.
- 13.13** Similarly on temporary tracks existing under an occasional use notice, the betting operators working on tracks are required (as a condition of their operating licence) to ensure that they and their staff check the age of any customer who appears to be under the age of 21.
- 13.14** Under-18s are entitled to play any category D gaming machines found at tracks. It is illegal however for them to use any higher category gaming machines, and as such the usage of these machines is required to be supervised appropriately.

### **Can the Act be used to tackle crime and disorder at tracks?**

- 13.15** Police may use the powers of the Act to take action where a gambling-related offence is committed under the Act in accordance with the summary of offences shown in section 25 of this document and the powers shown in section 3 of this document.
- 13.16** However, crime and disorder that is not linked to an offence under the Act or to the actual gambling facilities provided at a track should be tackled under other relevant legislation or as common law offences. For example, if money was stolen from a cashier at a track it is likely that the offence should be handled under the same legislation that would be used for theft offences anywhere, as there is no provision for this within the Act.
- 13.17** Police are a responsible authority under the Act and may request that a licensing authority reviews a particular premises licence.

## 14 Takeaway restaurants, taxi offices, guesthouses and similar premises

- 14.1 Until 1 August 2006, businesses such as chip shops and taxi offices were entitled to apply to their local authority for a 'section 34' permit issued under the Gaming Act 1968 which allowed them to provide certain gaming machines for their customers to use. The Act has not replicated this permission, so all businesses of this type with gaming machines will not be able to provide the machines when their 'section 34' permit expires. This will be no later than 31 July 2009.
- 14.2 Gaming machines are only permitted to be sited in premises authorised to do so under the Act, namely:
- where a relevant premises licence has effect (casino, AGC, FEC, betting, bingo or track)
  - where a relevant permit has effect (UFEC, alcohol-licensed premises machine permit, club gaming permit or club machine permit)
  - where an automatic entitlement has effect (premises with an 'on sales' alcohol licence).
- 14.3 Gaming machines in any other premises are therefore illegally sited, unless they exist under a 'section 34' permit running until no later than 31 July 2009. The removal of illegal machines can involve a multi-agency approach which includes the police, local authorities, and customs and excise. The Commission is also involved in machine removal as there may be wider implications connected to suppliers of illegal gaming machines (paragraphs 5.12 – 5.16 of this document).

## 15 Poker and games of equal chance

- 15.1 The Act allows games such as poker to be played in certain gambling premises such as casinos. The Act also allows poker and other games of equal chance to be played in other environments.

### Poker in residential dwellings

- 15.2 Individuals may play poker with friends etc in a residential dwelling providing other members of the public are not invited to participate, and no charge is made to participate in the gaming.

### Poker as a non-commercial game

- 15.3 Poker may be played as a form of non-commercial gaming, to raise funds for good causes. The conditions for non-commercial gaming are described further in paragraphs 8.13 - 8.14 and 20.1 - 20.9 of this document.

### Poker in pubs and clubs

- 15.4 Regulations have been made relating to poker and other equal chance games played in places such as pubs. *Code of practice for equal chance gaming in clubs and premises with an alcohol licence*, which summarises how the gaming should take place and the limits on stakes and prizes, can be viewed on the Commission's website<sup>11</sup>.
- 15.5 The Commission has also published an advice document to answer general enquiries about poker, and other games of equal chance, played in pubs. *Advice on gaming in clubs and alcohol licensed premises: Gambling Act 2005* and can be viewed on the Commission's website<sup>12</sup>.

<sup>11</sup>[Code of practice for equal chance gaming in clubs and premises with an alcohol licence](#)

<sup>13</sup>[Advice on gaming in clubs and alcohol licensed premises: Gambling Act 2005](#)

## **16 Pubs and other alcohol-licensed premises**

**16.1** The Act enables pubs and premises that are licensed for the consumption of alcohol to provide gaming machines. It also allows certain types of gaming to be played in pubs.

### **Gaming machines in alcohol-licensed premises**

**16.2** Pubs and other alcohol licensed-premises in Great Britain are automatically entitled to provide a maximum of two gaming machines on their premises. The gaming machines have to be either categories C or D (or one of each type).

**16.3** The automatic entitlement is not a permit as such, as it exists automatically by virtue of the existence of an alcohol licence. However it can only be activated by the holder of the alcohol premises licence informing their local licensing authority of their intention to provide gaming machines.

**16.4** Holders of premises licences issued under alcohol-licensing legislation are also entitled to apply to their local licensing authority for a 'licensed premises gaming machine permit'. This type of permit allows the holder to provide higher numbers of category C and D gaming machines at their premises.

### **Other machines in alcohol-licensed premises**

**16.5** Machines that require the player to demonstrate skill or knowledge, such as quiz machines or video games, are not classed as gaming machines under the Act. These types of machine, therefore, do not contribute towards a pub's automatic machine entitlement.

## **17 Entertainment complexes and other venues**

**17.1** Gaming machines are often found in premises that form part of bigger entertainment complexes, and are often provided as a subsidiary element of venues that are primarily intended to provide other types of entertainment. Such venues include theme parks and bowling alleys.

**17.2** Gaming machines may also commonly be found as an ancillary feature of venues that the public might visit primarily for non-gambling related purposes, including shopping malls, motorway service stations and airports.

**17.3** However all gaming machines that exist as a component of a larger venue can only be provided if an appropriate premises licence, permit or entitlement under the Act is in place. For example, an arcade area comprised of category D gaming machines at a motorway services can exist only if the area is the subject of a family entertainment centre permit, issued by the local licensing authority.

**17.4** Venues that have a premises licence issued under relevant alcohol licensing legislation may also provide gaming machines through a licensed premises gaming machine permit. So for example, a bowling centre licensed to serve alcohol may have an arcade area within the centre that is the subject of this type of permit.

### **Other machines**

**17.5** Machines that require the player to demonstrate skill or knowledge, such as quiz machines or video games, are not classed as gaming machines under the Act. These types of machine, therefore, may be provided without being subject to gambling legislation.

## 18 Clubs

18.1 Members clubs and commercial clubs in Britain are entitled under the Act to offer certain types of gambling. Paragraphs 6.47 – 6.49 of this document identify the permits that clubs need to hold in order to provide gambling facilities for their members.

### Gaming in clubs

18.2 The Commission has published a document called *Code of Practice for equal chance gaming in clubs and premises with an alcohol licence*, which summarises the types of gaming that may be offered by clubs for their members. This is available on the Commission's website<sup>13</sup>.

### Gaming machines in clubs

18.3 Clubs holding a relevant permit from their licensing authority are entitled to offer gaming machines for their members. Up to three gaming machines can be made available. The category types for clubs can be found in Annex B of this document.

18.4 Members clubs, including working men's institutes, are allowed to offer a category of gaming machine known as B3A, which provide lottery games, as part of their machine entitlement. This type of machine cannot be provided in any other type of premises.

### Other machines in clubs

18.5 Machines that require the player to demonstrate skill or knowledge, such as quiz machines or video games, are not classed as gaming machines under the Act. These types of machine, therefore, may be provided in a club without being subject to gambling legislation.

## 19 Lotteries and raffles

19.1 The Act entitles various types of lottery (including raffles) to be carried out lawfully. Lotteries may only be run as a way of raising funds for a particular good cause, in the following categories:

- a society lottery – these are lotteries designed to raise funds for non-commercial purposes and fund raising initiatives, where under-16s cannot participate and can only be run where the society is licensed by the Commission or registered by a local authority (depending on the size of the lottery in question).

19.2 Lotteries that are permitted to be run without requiring any licence or registration are as follows:

- incidental non-commercial lotteries – these are lotteries held as part of non-commercial events, such as a raffle held at a school's fund raising night
- private lotteries – these are lotteries run by societies for their members, by someone at a place of work for their colleagues, or by a resident of premises for other residents
- customer lotteries – where an occupier of business premises runs a lottery for customers on the business premises.

19.3 Police with specific queries about lotteries should refer to the Commission's publication entitled *Lotteries and the Law*. This is available from the Commission's website<sup>14</sup>. Alternatively police may contact the local licensing authority or the Commission's Enquiries team (using the contact details in section 26 of this document).

---

<sup>13</sup> [Code of practice for equal chance gaming in clubs and premises with an alcohol licence](#)

<sup>14</sup> [Lotteries and the Law](#)

## The Gambling Act 2005 – Advice for British police services

### Machines that vend lottery tickets

- 19.4** Societies raising money for non-commercial purposes may sell their lottery tickets from vending-style terminals, for example where players can insert money and buy a scratch card. Such machines can be situated in a variety of locations such as a pub. However, as the Act prohibits under-16s from entering lotteries, such machines must be supervised to prevent children from buying tickets.

### Possible lottery scams

- 19.5** Police may be contacted by members of the public who are concerned about lottery-style games or possible scams that may appear in many respects to be gambling products. For more information see section 21 of this document.

## 20 Gaming carried out as part of a local event

- 20.1** Part 14 of the Act allows gaming to be carried out at a non-commercial event to raise funds for a specific purpose, other than for private gain. The gaming can be either prize gaming or equal chance gaming.

- 20.2** The principal distinction between prize gaming and equal chance gaming is how the prize is awarded and communicated to players – in **prize gaming** the prize is fixed before the start of the game and remains the same throughout regardless of how many people take part, whereas in **equal chance gaming** the prize is dependant on many people take part in the game as it is made up from stakes and participation fees.

- 20.3** Whichever type of gaming is used, the Act allows the gaming organiser to deduct reasonable costs from the proceeds of the gaming to cover prizes and costs associated with providing the facilities for the gaming. However, an offence is committed if the remainder of the proceeds are not used for the purposes that were advertised (see section 25 of this document for details of this offence).

- 20.4** Police with specific concerns over gaming held at non-commercial events are advised in the first instance to contact the licensing authority covering the area where the event is taking place.

### For non-commercial prize gaming

- 20.5** An example of an acceptable type of non-commercial prize gaming would be a charity event in a village hall, where the evening's entertainment includes a game of bingo with players buying a gamecard and playing to win a food hamper. The proceeds of the bingo game go towards a good cause. It would not be acceptable gaming if the proceeds were, for example, kept for personal use by the event organiser.

- 20.6** Providing the following conditions (from Part 14 of the Act) are met, the gaming will be deemed to be compliant:

- all players to be informed of the purpose of the gaming (ie what will the funds raised be used for)
- the profits from the gaming must be applied to a purpose other than private gain
- the gaming does not take place on a gambling premises (holding a premises licence issued under the Act), on a track when betting is taking place or at a premises which is the subject of a temporary use notice
- the gaming is not remote (ie provided through means such as the internet).

## The Gambling Act 2005 – Advice for British police services

### For non-commercial equal chance gaming

- 20.7** An example of an acceptable type of non-commercial equal chance gaming would be a fund-raising night at a sports or social club, where the evening's entertainment includes a number of hands of poker, with the prize for the overall winner being determined by the number of players. It would not be acceptable gaming if, for example, the event organiser provided a set prize fund that remained the same regardless of how many people participated.
- 20.8** The regulations set limits on stakes and prizes for non-commercial equal chance gaming (SI No 2007/2041 as follows: The Gambling Act 2005 (Non-commercial equal-chance gaming) regulations 2007 - 2007 No 2041):
- each player can only be required to make one payment of up to £8 per game at the event
  - the aggregate amount or value of all prizes awarded as a result of games at the event must not exceed £600
  - if the event is part of a series of events, the amount or value of prizes in respect of games at the final event cannot exceed £900.
- 20.9** Providing the following conditions (from Part 14 of the Act) are met, the gaming will be deemed to be compliant:
- all players to be informed of the purpose of the gaming (ie what will the funds raised be used for)
  - the profits from the gaming must be applied to a purpose other than private gain
  - the gaming does not exceed the limits set out in the regulations stated above
  - the gaming does not take place on a gambling premises (holding a premises licence issued under the Act), on a track when betting is taking place, or at a premises which is the subject of a temporary use notice
  - the gaming is not remote (ie provided through means such as the internet).

## 21 Scams and bogus lotteries

- 21.1** Police may be aware of products being sold in or adjacent to their policing area that appear in some respects to be gambling products, such as lottery-style scratch cards or selling schemes that involve a seemingly random return to participants. This section looks at some common types of arrangement that demonstrate partial elements of gambling, but are in fact not gambling products or are illegal under the Act.

### Chain-gift schemes

- 21.2** A chain-gift scheme typically involves pyramid-style arrangements where the person at the top of the chain aims to recruit other members to the scheme to earn commission or goods. Membership to the chain is often sold on the understanding that all members will make profits as they reach the top of the chain, if they get more people to join the scheme.
- 21.3** Many of these types of arrangement are classed as gambling by virtue of people being asked to pay to participate in what is effectively a random arrangement. The Act makes it an offence to promote or invite others to participate in a chain-gift scheme. The offence is derived from the Fair Trading Act 1973 (as amended by the Trading Schemes Act 1996).

### Bogus lotteries and competitions

- 21.4** Schemes also exist that are similar in appearance to lotteries or prize competitions but are in fact bogus arrangements or have misleading terms and conditions. The Office of Fair Trading (OFT) is responsible for monitoring this type of arrangement in the interests of consumer protection, and runs the 'Scambusters' group (comprised of organisations including the Commission), aimed at targeting scams in the interests of protecting the public from harm.

## The Gambling Act 2005 – Advice for British police services

**21.5** If police are contacted by members of the public regarding schemes of this nature, they should in the first instance refer to the trading standards department at the local authority covering the area where the members of the public are based. Trading standards officers and the OFT are responsible for dealing with chain gift schemes, lottery-style scams and similar arrangements.

### Street collectors selling gamecards

**21.6** Police may also be aware of street sellers in their areas approaching the public to sell them gamecards, often saying that the cards are being sold to raise money for good causes. If such cards require an element of skill on the part of the player, such as completing a tie-break question, this may be sufficient to distinguish them from a lottery.

**21.7** It will be unlikely that the product being sold is a legal lottery. This is because societies running large lotteries are not permitted (by virtue of a condition on their operating licence) to sell lottery tickets in the street, and those running small lotteries are recommended (by virtue of the Commission's *Guidance to Licensing Authorities* document) to have a similar restriction imposed upon them by the local authority that registers them.

**21.8** Police with concerns over street sales of products such as gamecards and scratchcards are advised to contact the licensing section and trading standards at the local authority covering the area where sales are being made. They will be able to advise whether what is being sold amounts to a gambling product, and agree on the best course of action.

## 22 Race nights and casino nights

**22.1** Venues such as pubs and restaurants often provide themed evenings such as race nights and casino nights. These are often provided by specialist companies and are held for the enjoyment of customers but also as a fund-raising initiative.

**22.2** Part 14 of the Act permits non-commercial gaming of this type, and sets out the conditions under which the gaming must be provided. The gaming has to be part of a non-commercial event (the race night itself, for example) where the fund-raising purpose of the event is communicated to all participants. The proceeds of the event cannot be used for commercial gain, and must go entirely to the fund-raising purpose of the event, although reasonable expenses associated with organising the event can be deducted.

**22.3** Police with concerns over any particular aspect of an event held under the provisions in Part 14 of the Act are advised to liaise with the organiser of the event itself or the local licensing authority covering the area where the event is being held.

## 23 Gambling via technology such as the internet

**23.1** Gambling facilities that can be accessed by communication technology including the internet, television and telephone are collectively known as remote gambling. The Commission issues operating licences to gambling operators that provide gambling via remote means, where their key equipment for providing the remote gambling facilities is located in Great Britain.

**23.2** Under the Act, British residents may legally gamble using remote technology, including using gambling websites.

**23.3** If police receive complaints relating to gambling using remote methods, in the first instance they are advised to contact the Commission regarding the circumstances of the complaint.





## The Gambling Act 2005 – Advice for British police services

### Offences connected to operating licences

Failure to comply with an operating licence condition to return stake to a child or young person.	<b>Section 58</b>
Failing without reasonable excuse to notify the Commission of change in circumstances.	<b>Section 101</b>
Licensee failing without reasonable excuse to produce their operating licence when requested by a police officer or enforcement officer.	<b>Section 108</b>
Licensee failing to notify the Commission without reasonable excuse and as soon as reasonably practicable about conviction of an offence.	<b>Section 109</b>
Licensee failing to notify the court upon conviction of a relevant offence that they are an operating licence holder.	<b>Section 109</b>
Licensee failing without reasonable excuse to produce records for the Commission relating to operating licensed activities or information about licensed activities.	<b>Section 122</b>
Operating licence holder fails without reasonable excuse to produce the authorisation they have given to someone to accept bets on their behalf, when asked to do so by a police officer or enforcement officer.  This offence can also apply to the person that has been authorised to accept bets.	<b>Section 316</b>

### Offences connected to personal licences

Failure without reasonable excuse to produce a personal licence to a police officer or enforcement officer.	<b>Section 134</b>
Licensee failing to notify the Commission as soon as reasonably practicable about a conviction of offence.	<b>Section 138</b>
Licensee failing to act within the terms and conditions of their licence.	<b>Section 139</b>

### General offences connected to all premises licences

Licensee failing without reasonable excuse to keep premises licence on premises and make available for inspection to a police officer, enforcement officer or authorised person.	<b>Section 185</b>
Licensee failing to notify without reasonable excuse the licensing authority about change of residential address or other details on the licence.	<b>Section 186</b>

### Offences connected to temporary use notices

Failure of premises licence holder to without reasonable excuse prominently display or make available their temporary use notice to a police officer, customs and excise officer, enforcement officer or licensing authority officer.	<b>Section 229</b>
---	--------------------

## Offences connected to gaming machines

Making a gaming machine available for use without a relevant licence or permit, or in contravention of regulations made under section 240 of the Act (SI No 2007/2319).	<b>Section 242</b>
Manufacturing, supplying, installing, adapting, maintaining, or repairing a gaming machine without a suitable operating licence, unless: <ul style="list-style-type: none"> <li>the gaming machine is scrap with no commercial value</li> <li>the gaming machine is incidental to the sale/letting of previously-licensed property.</li> </ul>	<b>Section 243</b>
Supplying, installing, adapting, maintaining or repairing a gaming machine (or part of) without complying with regulations made under section 241 of the Act (SI No 2007/2320), unless: <ul style="list-style-type: none"> <li>the gaming machine is scrap with no commercial value</li> <li>the gaming machine is incidental to the sale/letting of previously-licensed property.</li> </ul>	<b>Section 243</b>
Supplying, installing or making available for use a gaming machine allowing payment by credit card.	<b>Section 245</b>

## Offences connected to lotteries

### 25.2

The offences listed here do not apply to lotteries or products forming part of the National Lottery, as the Act does not regulate the National Lottery. Police enquiries regarding offences connected to the National Lottery should be directed to the National Lottery Commission.

Promoting a non-exempt lottery without a suitable operating licence or on behalf of someone with a suitable operating licence.	<b>Section 258</b>
Facilitating a non-exempt lottery without holding a suitable operating licence (where facilitating includes functions such as advertising and printing tickets and promotional materials).	<b>Section 259</b>
Misusing profits from a lottery, ie using them or causing them to be used for purposes other than the advertised purpose of the lottery.	<b>Section 260</b>
Misusing profits from an incidental non-commercial lottery, a private society lottery, or a small society lottery.	<b>Section 261</b>
A non-commercial society promoting a lottery without being registered with a local authority, or failing to provide the local authority with returns (or providing false returns) following a small society lottery.	<b>Section 262</b>

## Offence connected to bingo played in clubs and institutes

Failing without reasonable excuse to inform the Commission of periods of high turnover bingo if the club or institute does not hold an operating licence (high turnover bingo being where the stakes or prizes of all games of bingo played in a seven day period exceed £2,000).	<b>Section 275</b>
---	--------------------

## Offence connected to use of proceeds from gaming at non-commercial events

Using the profits (or permitting them to be used) from non-commercial prize gaming or equal chance gaming for a purpose other than that specified as the fund-raising purpose of the gaming.	<b>Section 301</b>
--	--------------------

## The Gambling Act 2005 – Advice for British police services

### Offence connected to casino premises licences

Failure on the part of the casino premises licence holder to produce upon demand (by a police officer or enforcement officer) the authorisation they have given to someone to provide bingo or betting facilities at the casino in question.  This offence can also be committed by the individual or organisation authorised by the casino premises licence holder if they fail to produce the authorisation.	<b>Section 316</b>
--	--------------------

### Offence of obstructing or failing to co-operate during an inspection

Obstructing or failing to cooperate without reasonable excuse with a police officer, enforcement officer or authorised person carrying out inspection activity under Part 15 of the Act.	<b>Section 326</b>
--	--------------------

### Offence of providing false or misleading information

Providing false or misleading information to the Commission or a licensing authority regarding any provision of the Act.	<b>Section 342</b>
--	--------------------

### Offences connected to advertising of gambling facilities

Contravention of any regulations relating to gambling advertising. (nb the Secretary of State for Culture, Media and Sport has chosen not to exercise their reserve powers to make such secondary legislation at this time).	<b>Section 328</b>
Knowingly advertising unlawful gambling without reasonable belief otherwise.	<b>Section 330</b>
Advertising foreign gambling facilities other than lotteries (in accordance with regulations SI No 2007/2329).	<b>Section 331</b>

### Offence of failing to comply with a forfeiture order

Failure to comply with a court's forfeiture order to surrender named materials to a police officer, or co-operate with steps to comply with the order.	<b>Section 345</b>
--	--------------------

### Offence connected to unlicensed family entertainment centres

Occupier of premises failing without reasonable excuse to produce their family entertainment centre gaming machine permit for a police officer, enforcement officer or authorised officer.	<b>Schedule 10(20)</b>
--	------------------------

### Offences connected to club gaming and club machine permits

Failing without reasonable excuse to produce a club gaming permit or club machine permit for a police officer or enforcement officer.	<b>Schedule 12(13)</b>
Failure without reasonable excuse to have club gaming or club machine permits varied by the licensing authority as soon as practicable upon a change of circumstances.	<b>Schedule 12(15)</b>

### Offence connected to alcohol licensed premises gaming machine permits

Failure without reasonable excuse to produce a licensed premises gaming machine permit upon the request of a police officer, enforcement officer or authorised person.	<b>Schedule 13(10)</b>
--	------------------------

## The Gambling Act 2005 – Advice for British police services

### Offence connected to prize gaming permits

Failure without reasonable excuse to produce a prize gaming permit upon the request of a police officer, enforcement officer or authorised person.	<b>Schedule 14(20)</b>
--	------------------------

### Offence connected to gambling software

Manufacturing, supplying, installing or adapting gambling software without holding a relevant operating licence.	<b>Section 41</b>
--	-------------------

### Offence connected to chain-gift schemes

Inviting another person to join chain-gift schemes or participating in the promotion of chain-gift schemes.	<b>Section 43</b>
---	-------------------

## 26 Contact details

### 26.1 General enquiries to the Commission should be sent to:

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6666 Fax: 0121 230 6720 Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Intelligence can be contacted via the number above or by emailing [intelligence@gamblingcommission.gov.uk](mailto:intelligence@gamblingcommission.gov.uk).

## Annex A

### Summary of responses to the consultation

- 1 Four responses were received to the consultation document. Both the British Casino Association and the Advertising Standards Association suggested minor clarifications and corrections which are now included in the current version of our *Advice for British police services* (Advice).
- 2 ACPOS offered various clarifications and elaborations, some of which were specific to the law as it applies in Scotland. All of these are included in the current document.
- 3 ACPO also suggested a number of additions to the Advice in order to clarify specific issues and ensure the document is as comprehensive as possible. Examples include a reference to the purpose of information sharing (paragraph 4.2 of this document) as cited in the Act; a list of the information required in a licence, a register and conditions for door supervision (paragraphs 8.5 - 8.6, 9.5 - 9.7, 11.7 - 11.9 of this document) and a list of persons who may reasonably be expected to accompany an officer when entering a premises (paragraph 3.26 of this document). These and the majority of others have been included in the current document.
- 4 ACPO noted the difficulties for licensing authorities regarding multiple Adult Gaming Centres (AGCs) and Family Entertainment Centres (FECs) operating in one building and suggested we reference current guidance from the Local Authorities Coordinators of Regulatory Services (LACoRS). The Commission has recently published a revised version of our *Guidance to Licensing Authorities* on this subject and we consider this addresses the concern.<sup>16</sup>
- 5 ACPO made two further specific suggestions which are included in the Advice as appendices: a glossary of terms and a copy of the 'request for/disclosure of intelligence form' drawn from the MoU (see above). The latter only applies to ACPO forces; it is anticipated that a similar form will be adopted by the Commission and ACPOS in due course.
- 6 ACPO suggested a confidential monthly 'Gambling Intelligence' bulletin for police only. The purpose of this would be to highlight criminal activity, networks, as well as enforcement actions and activity. They propose that the ACPO Regional Gambling Standard Working Group details could also be integrated within this bulletin in order to propagate intelligence networking and interagency operations.
- 7 The Commission supports this proposal and will work with ACPO and ACPOS to develop an appropriate vehicle for this to happen.
- 8 Another suggestion from ACPO was an electronic copy of the personal/operator licence application form, which provided details of the applicant's business or personal residence in any given Constabulary area. ACPO considers that this would allow for a more comprehensive awareness of the volume and location of licence holders (for strategic and tactical benefit), but also allow for the police to easily refer to personal/operator licence details where the police consider it necessary to object to inappropriate premises licence and Temporary Use Notice applications.

---

<sup>16</sup> [Guidance to Licensing Authorities](#)

## The Gambling Act 2005 – Advice for British police services

- 9 The Commission does not consider it appropriate to supply an electronic version of individual applications. The reason being that a great deal of this information is commercially sensitive. We publish details of applicants on the public register which is available to any police force via the website. However, it is sometimes incomplete, as operators can request exclusion, but we are willing to explore the option of providing an unedited version similar to that supplied to Local Authorities via the Local Authorities Coordinators of Regulatory Services (LACoRS). If the police have any particular concerns about individuals identified from the register they could then seek further information from us. We prefer a 'single point of contact' (SPOC) system to process this information within police forces.
- 10 ACPO indicated that intelligence sharing between the Commission and the police may benefit from the use of a standard format premises and operator inspection form. Such a form would not only detail police powers under section 317 of the Act but also act as a useful aide memoire for police officers and become a 'notice of inspection' for licence holders.
- 11 The Commission, whilst fully supporting the importance of intelligence sharing, does not consider that this proposal would be beneficial. The primary reason being that the role of the Commission as a regulator requires a much more detailed system of inspection than that undertaken by police services. We regard the National Intelligence Report (NIR/5x5x5) (paragraph 4.7 of this document) as being the default system for the exchange of information.
- 12 The final proposal from ACPO is that the Commission assists in the development of a training package and operational manual for front line police officers to ensure that they are familiar with the Act and their powers under it. The development of the package is in its early stages. We aim to launch the programme in Spring 2009. We expect to develop a similar scheme for Scottish forces.
- 13 The Commission is grateful to all those who responded to the consultation. Updated versions of this Advice document will be issued as need arises.

## Annex B

### Gaming machine categories

Gaming Machine category	Maximum stake	Maximum prize
<b>A</b>	Unlimited	Unlimited
<b>B1</b>	£2	£4,000
<b>B2</b>	£100 (in multiples of £10)	£500
<b>B3</b>	£1	£500
<b>B3A*</b>	£1	£500
<b>B4</b>	£1	£250
<b>C</b>	50p	£35
<b>D**</b>	10p/30p	£5/£8

\* Category B3A machines can only be situated in members clubs and some institutes with a suitable permit.

\*\* Category D machines with a 10p stake are entitled to offer prizes of up to £5 in cash, or up to £5 in cash and £3 in non-monetary prizes. Category D machines with a 30p stake can offer £8 in non-monetary prizes only.

### Gaming machine entitlements for gambling premises

Premises type	Machine entitlement
Regional casino	Maximum of 1,250 machines in categories A-D except for B3A machines
Large casino	Maximum of 150 machines in categories B-D except B3A machines
Small casino	Maximum of 80 machines in categories B-D except B3A machines
Pre-2005 Act casino	Maximum of 20 machines in categories B-D except B3A machines, or C and D machines instead
Betting premises and tracks with pool betting	Maximum of 4 machines in categories B2-D
Bingo premises	Maximum of 8 machines in categories B3-B4 except B3A machines, and unlimited number of C and D machines
Adult gaming centre	Maximum of 4 machines in categories B3-B4 except B3A machines, and unlimited number of C and D machines
Family entertainment centre (with premises licence)	No limit on category C and D machines
Family entertainment centre (with permit)	No limit on category D machines
Members clubs and miners welfare institutes (with permit)	Maximum of 3 machines in categories B3A-D
Commercial clubs (with permit)	Maximum of 3 machines in categories B4-D
Alcohol licensed premises (automatic entitlement)	Maximum of 2 machines in categories C-D
Alcohol licensed premises with machine permit	Number of category C-D machines is stated on permit
Travelling fair	No limit on category D machines

## Annex C

### Summary of website links for Commission documents referred to

Guidance to Licensing Authorities

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=138>

Licence Conditions and Codes of Practice

<http://www.gamblingcommission.gov.uk/UploadDocs/publications/Document/LCCP08%20final%20pdf.pdf>

The prevention of money laundering and combating the financing of terrorism

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=326&id=10>

Joint compliance and enforcement statement between the Commission, LACORS and

ACPO <http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=221&id=5>

Compliance and enforcement policy statement

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=127>

Gaming machine permits code of practice

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=124>

Technical standards for gaming machines

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=131>

Code of practice for equal chance gaming in clubs and premises with an alcohol licence

<http://www.gamblingcommission.gov.uk/client/mediadetail.asp?mediaid=184>

Advice on gaming in clubs and alcohol licensed premises: Gambling Act 2005

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=319&id=9>

Lotteries and the Law

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=62&id=10>

Gambling and advertising

<http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=264>

## Annex D

### Vessels and vehicles (continued from paragraph 6.9 of this document)

Structures which are an extension of the land are not vessels, even if they arch over water. Thus, neither a pier nor a bridge are to be considered a vessel. Instead, they remain premises under the Act. This is important because not all forms of permit are available to vessels.

The Act will, for example, allow pleasure boats to apply for a premises licence. As with multi-purpose buildings, the part of the vessel where gambling takes place will be licensed and the usual restrictions on access for children will apply. The Act applies in relation to a vessel that is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed. The relevant licensing authority for considering an application for a premises licence in respect of a vessel is therefore the licensing authority for the area in which it is usually moored or berthed.

Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements. These ensure that at no point can the gambling become a commercial activity.

## **The Gambling Act 2005 – Advice for British police services**

Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities takes place, the licensing authority should be concerned with the promotion of the licensing objectives on board the vessel.

It should not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provision, all of which are subject to regulations which must be met before the vessel is issued with its Passenger Certificate and Safety Management Certificate.

Gambling is not a licensable activity if it takes place aboard a vessel engaged on an international journey. Such gambling is exempted from the offences under the Act if the vessel is on a journey which has taken it, or is intended to take it, into international waters (ie beyond the 12 mile territorial limit, so this includes cross-channel ferries). In the case of aircraft, no offence takes place if the gambling takes place in international airspace.

Licensing authorities have jurisdiction over gambling conducted on vessels on all inland waterways, at permanent moorings, and on all aircraft on the ground or in domestic airspace. If an ocean-going vessel is involved, authorities will need to establish where the vessel has been, or is intending to go.

## **Annex E**

### **Sport governing bodies**

- The England and Wales Cricket Board Limited
- The Football Association Limited
- The Football Association of Wales Limited
- The Horseracing Regulatory Authority
- The Lawn Tennis Association
- The Irish Football Association Limited
- The Jockey Club
- The National Greyhound Racing Club Limited
- The Professional Golfers' Association Limited
- The Rugby Football League
- The Rugby Football Union
- The Scottish Rugby Union
- The Scottish Football Association Limited
- UK Athletics Limited
- The Welsh Rugby Union Limited

## Annex F

### Glossary of terms related to gambling

<b>ABB</b>	Association of British Bookmakers
<b>Adult gaming centre (AGC)</b>	Arcades offering gaming machines. Entry is prohibited to anyone under the age of 18
<b>AMLD</b>	Amusement machine licence duty
<b>AR</b>	American roulette
<b>ARA</b>	Asset recovery agency
<b>ARB</b>	Association of Racecourse Bookmakers
<b>ASA</b>	Advertising Standards Authority
<b>AWP</b>	Amusement with prizes (machine)
<b>BACTA</b>	British Amusement catering Trades Association (gaming machine manufacturers, suppliers and users)
<b>BALPPA</b>	The British Association of Leisure Parks, Piers and Attractions Ltd
<b>BA</b>	Bingo Association
<b>BBPA</b>	British Beer and Pub Association
<b>BCA</b>	British Casino Association
<b>BETA</b>	Betting Exchange Trade Association
<b>Betting</b>	Betting means making or accepting a bet on: <ul style="list-style-type: none"><li>• the outcome of a race, competition or other event or process</li><li>• the likelihood of anything occurring or not occurring</li><li>• whether anything is or is not true</li></ul>
<b>BGRB</b>	British Greyhound Racing Board
<b>BHA</b>	British Horseracing Authority
<b>BII</b>	British Institute of Innkeepers
<b>BHHPA</b>	British Holiday and Home Parks Association
<b>Bingo</b>	<b>All winners:</b> games played weekly/daily with the winners going on to a grand final <b>Link game:</b> game that is played live and simultaneously between two or more bingo clubs for the same prize <b>National game:</b> a game of multiple bingo operated by the national Bingo Game Association where all licensed bingo clubs are permitted to play
<b>BISL</b>	Business in Sport and Leisure

## The Gambling Act 2005 – Advice for British police services

<b>BJ</b>	Blackjack
<b>Casino</b>	A casino is defined as an arrangement whereby people are given the chance to participate in casino games (games of chance which are not equal chance gaming). It is immaterial whether the gaming takes place on one set of premises or is provided wholly or partly by means of remote communication. Equipment includes roulette wheels, card shufflers, automated terminals and touch bet machines.
<b>Child</b>	An individual who is less than 16 years old
<b>CHIS</b>	Covert human intelligence source
<b>CLG</b>	Community liaison group
<b>COA</b>	Casino Operators Association
<b>CoC</b>	Certificate of Consent
<b>CMMG</b>	Casino Machine Manufacturers Group
<b>Competition</b>	A game of skill that cannot be based on the outcome of a future event. There is no legal definition of skill. Legal advice is required.
<b>COPFS</b>	Crown Office and Procurator Fiscal Service
<b>COSLA</b>	Convention of Scottish Local Authorities
<b>CCJ and in Scotland a Decree</b>	Incurred when a County Court rules against an individual for defaulting on a debt, it will make an order that they must repay a creditor the debt
<b>CSP</b>	Casino stud poker
<b>CTPN</b>	Charges to play notice
<b>Data Protection Act 1998 (DPA)</b>	The law which applies to the gathering, storage and use of personal data, and which is overseen by the independent Information Commissioner
<b>DCMS</b>	Department for Culture, Media and Sport
<b>Decree (in Scotland)</b>	See CCJ
<b>Director</b>	Has the meaning given by Section 741 of the Companies Act 1985
<b>EBT</b>	Electronic bingo terminal
<b>EDRM</b>	Electronic Document Record Management
<b>ELM</b>	External Lottery Manager

## The Gambling Act 2005 – Advice for British police services

<b>Fair and open</b>	Where the customer is given full information about the way in which the game is played (ie the rules of the game) or bet taken; about the odds of winning or losing in different scenarios; that any changes to the rules or odds are fully flagged up so that gamblers are not caught out.
<b>Family entertainment centres (FECs)</b>	Often known as amusement arcades offer machines for playing by children (Category D) and in some cases machines (category C) and prize bingo for over 18s
<b>FIN-NET</b>	Financial Crime Information Network
<b>Fixed Odds Betting Terminal (FOBTs)</b>	Software-driven terminals, about same size and shape as a floor-standing cash dispenser. They are used to bet on a variety of 'virtual' events whose outcome is driven by a random number generator operated by an independent third party and located remotely. The types of events on which users can bet includes horseracing, greyhound racing, football, penalty shootouts, numbers games and roulette.
<b>FRB</b>	Federation of Racecourse Bookmakers
<b>FSA</b>	Financial Services Authority
<b>GA</b>	Gamblers Anonymous
<b>Gambling</b>	In the Gambling Act this means gaming, betting or participating in a lottery
<b>GAT</b>	Gambling Appeals Tribunal – an independent body set up by the Department for Constitutional Affairs, dealing solely with gambling matters with the power to review decisions taken by the Gambling Commission relating to: <ul style="list-style-type: none"><li>• Operating licences</li><li>• Personal licences</li><li>• Decisions taken by the Commission to void bets</li></ul>
<b>Gaming</b>	Playing a game of chance for a prize
<b>Gaming machines</b>	The term covers all machines on which people can gamble. Exemptions to this include a home PC. See Section 235 of the Act for a full list
<b>GC</b>	Gambling Commission
<b>GRA</b>	Greyhound Racing Association
<b>GREF</b>	Gaming Regulators European Forum
<b>GSG</b>	Gaming Stakeholder Group
<b>HBLB</b>	Horserace Betting Levy Board
<b>HRA</b>	Horseracing Regulatory Authority (now BHA)
<b>IBAS</b>	Independent Betting Arbitration Service
<b>ILG</b>	Industry Liaison Group

## The Gambling Act 2005 – Advice for British police services

<b>IoL</b>	Institute of Licensing
<b>JMLSG</b>	Joint Money Laundering Steering Group
<b>Judgement</b>	An official court order deciding the rights or claims of the parties in a legal proceeding
<b>Keno</b>	A game similar to Lotto in which numbered balls are drawn at random and players cover the corresponding numbers on their cards
<b>LACoRS</b>	Local Authorities Coordinators of Regulatory Services
<b>LALG</b>	Local Authorities Liaison Group
<b>LBO</b>	Licensed betting office
<b>LC</b>	Lotteries Council
<b>LCE</b>	Licensing, compliance and enforcement
<b>Licence Conditions and Codes of Practice (LCCP)</b>	<p>The rules which operators must observe to meet the Commission’s three licensing objectives:</p> <ul style="list-style-type: none"><li>• Keeping crime out of gambling</li><li>• Ensuring that gambling is fair and open</li><li>• Protecting children and other vulnerable people from being harmed or exploited by gambling</li></ul>
<b>LGA</b>	Local Government Association
<b>Licensing Authorities</b>	<p><b>In England</b></p> <ul style="list-style-type: none"><li>• District Councils (including Metropolitan Councils)</li><li>• County Councils (including Unitary Councils) or counties in which there are no District Councils</li><li>• London Borough Councils</li><li>• The Common Council of the City of London</li><li>• The Council of the Isles of Scilly</li></ul> <p><b>In Wales</b></p> <ul style="list-style-type: none"><li>• County Councils or County Borough Councils</li></ul> <p><b>In Scotland</b></p> <ul style="list-style-type: none"><li>• Licensing Boards (the same bodies that currently grant casino and bingo licences in Scotland)</li></ul>
<b>Licensing Justices</b>	Magistrates who are specifically designated to issue licences
<b>Licensing objectives</b>	See LCCP above
<b>Lotteries and Amusements Act 1976</b>	Repealed by the Gambling Act 2005
<b>Lotteries Act 1963</b>	Repealed by the Gambling Act 2005

## The Gambling Act 2005 – Advice for British police services

### Lotteries

A lottery is a certain type of 'arrangement' that may be either 'simple' or 'complex'

#### Simple lottery

- Persons are required to pay to enter into the arrangement
- In the course of the arrangement one or more prizes are allocated to one or more participants in the lottery
- The prizes are allocated by a process that relies wholly on chance

#### Complex lottery

- Persons are required to pay to enter into the arrangement
- In the course of the arrangement one or more prizes are allocated to one or more participants in the lottery
- The prizes are allocated by a series of processes
- The first process relies wholly on chance

**Chance:** a process which requires persons to exercise skill or judgement or display knowledge is nevertheless to be treated as relying wholly on chance if:

- The requirement cannot reasonably be expected to prevent a significant proportion of participants from receiving a prize
- The requirement cannot reasonably be expected to prevent a significant proportion of those who wish to participate from doing so.

An arrangement is not a lottery if there is a free entry route

**Skill:** a merely 'cosmetic' skill element will not prevent an arrangement from being a lottery. Within the target audience, only a level of skill or knowledge which would weed out or deter a significant proportion of that target audience will prevent a scheme from being a lottery

### MCB

Mechanised cash bingo

### MLAC

Money Laundering Advisory Committee

### MLR

Money Laundering Regulations

### MLRO

Money Laundering Reporting Officer

### MTR

Minded to revoke

### NAB

National Association of Bookmakers

### NAO

National Audit Office

### NBGA

National Bingo Game Association

### NLC

National Lottery Commission

## The Gambling Act 2005 – Advice for British police services

<b>OFCOM</b>	Office of Communications
<b>Off-course</b>	The place where the bet is lodged if it is not physically made at the event
<b>OFT</b>	Office of Fair Trading
<b>On-course</b>	The place where the event takes place. Betting commonly takes place at horse and dog racecourses, as well as football, cricket and other sporting events
<b>PASS</b>	Proof of age standards scheme
<b>PB</b>	Punto Banco (also known as North American Baccarat)
<b>Personal Licences</b>	<p>There are two categories of personal licence:</p> <p><b>Personal management licence (PML)</b> This licence authorises an individual to perform the functions of a specified management office. The operator must ensure that for at least one of the following management officers holds a PML authorising the performance of the functions of that office: managing director/chief executive, finance director/head of finance, compliance director/head of compliance, marketing director/head of marketing</p> <p><b>Personal functional licence (PFL)</b> PFLs are required by casino gaming staff below manager level eg dealers, cashiers, inspectors, security staff employed to watch gaming, supervisors of gaming activity.</p>
<b>PET</b>	Personal electronic terminals
<b>POCA</b>	Proceeds of Crime Act
<b>Private and non-commercial gaming</b>	Certain types of gaming can be provided at non-commercial events, eg where the money and profits are used for charitable or other generally beneficial purposes rather than providing benefit to individuals
<b>Problem gambling</b>	Any gambling that goes beyond 'normal' bounds of gambling for fun, recreation or entertainment. The inability, over an extended period of time, to resist impulses to gamble. Often demonstrated by serious negative consequences for the individual.
<b>Provides facilities for gambling</b>	<p>A person provides facilities for gambling if he/she:</p> <ul style="list-style-type: none"><li>• invites others to gamble in accordance with arrangements made by him</li><li>• provides operates or administers arrangements for gambling by others</li><li>• participates in the operation or administration of gambling by others.</li></ul>
<b>PSP</b>	Progressive stud poker

## The Gambling Act 2005 – Advice for British police services

<b>Random Number Generator (RNG)</b>	A computational or physical device designed to generate a sequence of numbers that does not have any easily discernable pattern and is used for, example, in gaming machines or to pick numbers for a game of bingo
<b>RBA</b>	Rails Bookmakers association
<b>RCA</b>	Racecourse Association
<b>RCPA</b>	Racecourse Promoters Association
<b>Remote gambling</b>	Facilities for gambling using a form of remote communications medium such as the internet, a mobile phone or interactive TV <ul style="list-style-type: none"><li>• Location of remote gambling equipment; equipment includes a computer database or server and it must be located within Great Britain</li><li>• A remote operating licence is required for any form of remote gambling.</li></ul>
<b>Revoke</b>	To cancel or annul, for example, a licence
<b>RIPA</b>	Regulation of Investigatory Powers Act
<b>RGA</b>	Remote Gambling Association
<b>S19</b>	Section 19 certificate issued under the Gaming Act 1968 for gaming staff
<b>S27</b>	Section 27 certificate issued under the Gaming Act 1968 for gaming machine suppliers
<b>SAR</b>	Suspicious activities report
<b>SB</b>	Sic Bo (gambling game of Chinese origin also known as Tai Sai or Dai Siu meaning Big Small)
<b>Self exclusion</b>	A procedure which enables individuals to bar themselves voluntarily from gambling at particular venues or websites
<b>SIA</b>	Security Industry Association
<b>Single machine Permit</b>	A permit issued by the Commission for individuals who are not normally in the trade but who wish to make a one off sale or supply transaction, or to install, maintain or repair a gaming machine
<b>SIBA</b>	Scottish Independent Bookmakers Association
<b>SIS</b>	Satellite Information Services
<b>Small scale operator</b>	An operator is small scale if there are no more than 3 qualifying positions in the commercial gambling business which in each case are occupied by a qualified person

## The Gambling Act 2005 – Advice for British police services

<b>Social responsibility</b>	Gambling operators must act with concern and sensitivity, and be aware of the impact of their actions on others, particularly the vulnerable. All holders of operating licences are required to comply with any relevant social responsibility provision of a code of practice issued by the Commission
<b>SP</b>	Starting price
<b>SPRC</b>	Starting Price Regulatory Commission
<b>SRA</b>	Solicitors Regulation Authority
<b>SRF</b>	Social Responsibility Forum
<b>Technical standards</b>	Established by the Commission in respect of remote gambling systems, gambling software and gaming machines to provide for a testing regime and their enforcement
<b>TCP</b>	Three card poker
<b>TED</b>	The electronic dauber (electronic hand held bingo machine)
<b>UAT</b>	User acceptance testing
<b>Unfair Contract Terms Act 1977</b>	The law which relates to contracts. Under the Gambling Act, gambling contracts are capable of being enforced but may be void on the same basis as any other contract eg on the basis of lack of intention, mistake or illegality
<b>Vulnerable people</b>	Assumed to include the following: <ul style="list-style-type: none"><li>• people who gamble more than they want to</li><li>• people who gamble beyond their means</li><li>• people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.</li></ul>
<b>Young person</b>	An individual who is not a child but who is less than 18 years old

## Annex G

# Gambling Commission / Police Information Request

The organisation requesting information should complete sections A, B & C. The receiving organisation should complete section D. All fields marked\* should be completed.

This form should be transmitted via a method agreed between the Gambling Commission and Police Force

If you need any help completing this form, please contact the Commission Intelligence Team on 0121 230 6705

### Section A – Request Details

#### A1 Request To:

Name\*

Organisation\*

#### A2 Request From:

Name\*

Organisation\*

Tel.\*  Fax.

Email

### Section B – Enquiry Details

B1 Enquiry Date\*  Date Required\*

#### B2 Individual / Organisation about whom information is sought:

Name

Address

Date of Birth

Other Relevant Information  
(e.g. Description, Reference Numbers)

#### B3 Nature of Enquiry (Details of Investigation/Proceedings and purpose of enquiry)\*:

#### B4 Information Sought\*:

**RESTRICTED when complete**

# Gambling Commission / Police Information Request

## Section C – Legal Basis and Authorisation

**C1** Legal basis for information sharing request\*:

- S.29 Data Protection Act 1998
- S.35 Data Protection Act 1998 (S.30/350 Gambling Act 2005 Gateway)
- Other (please state)

## Section D – Recipient Organisation Response

**D1** Identity of requestor known / verified\*? Yes  No

**D2** Information request granted\*? Yes  (D4) No  (D3)

**D3** Reasons for denying request:

**D4** Does the information exist?

No (negative response)  Details

Yes (response attached)  Document Reference

**D5** Responding Officer\*:

Response Date

Name

Rank/Role

Location

**D6** Authorising Officer\*:

**Police:** Inspector for granted requests, Superintendent for refused requests

**Gambling Commission:** Intelligence Officer for granted requests, Head of Intelligence for refused requests

Date

Name

Rank/Role

Location

**RESTRICTED when complete**

Gambling Commission March 2009

---

## Keeping gambling fair and safe for all

Copies of this document are available in alternative formats on request.

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham B2 4BP

T 0121 230 6500  
F 0121 230 6720  
E [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Reference number ADV09/01