

# GAMBLING COMMISSION

## **Licence Conditions and Codes of Practice Supplement 4: Primary gambling activity**

January 2009

# 1 Introduction

- 1.1 The Commission's latest Licence Conditions and Codes of Practice (LCCP) were published on 1 October 2008 and came into force on 1 January 2009.
- 1.2 In June 2008 the Gambling Commission (the Commission) published the split premises and primary gambling activity consultation document which included a proposal to add a licence condition addressing the need for holders of different categories of premises licence to ensure that the gambling activity appropriate to the licence type is actually offered as the **primary activity** at those premises; and not simply as an adjunct to, or sometimes wholly replaced by, the making available of gaming machines as permitted by virtue of the licence. A responses document relating to this consultation was published on 31 October 2008.
- 1.3 Following this consultation it was agreed that further work was needed on the primary gambling activity aspects and a further consultation document was published on 31 October 2008. This extended the opportunity for stakeholders to comment on the drafting of the licence condition, together with an associated ordinary code of practice based on the 'indicators of primary gambling activity' included in the first consultation. A summary of the responses to the consultation and our conclusions will be published shortly.
- 1.4 This supplement specifies the requirement for the primary gambling activity, authorised by an operating licence, to be offered in all associated licensed premises where gaming machines are made available for use pursuant to section 68(5) of the Gambling Act 2005.
- 1.5 The new licence condition and code of practice set out in this supplement to the LCCP will come into effect from 1 May 2009.
- 1.6 However, in the case of one class of licensee, the Commission has decided that an additional, transitional, period should be allowed. That class comprises those licensees whose converted betting premises licences replace 1963 Act licences which had been obtained on the basis of undertakings given to the licensing justices that facilities for betting on the premises would only be provided by means of what were then known as Fixed Odds Betting Terminals (FOBTs), which we have termed 'FOBT Only operators'. The Commission has decided that such operators must comply fully with the provisions of the LCCP relating to primary gambling activity by 31 March 2010.

## Part I: General conditions imposed by the Gambling Commission

### Operating licence conditions

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##### **Non-remote bingo operating licences**

Gaming machines may be made available for use in licensed bingo premises only on those days when sufficient facilities for playing bingo are also available for use.

In cases where bingo is exclusively offered by means of electronic bingo terminals or bingo machines, there must be more individual player positions made available for bingo than there are gaming machines made available for use.

##### **Non-remote existing casino operating licences**

Gaming machines may be made available for use in licensed casino premises only on those days when sufficient facilities for playing casino games and/or games of equal chance are also available for use.

When a casino exclusively offers fully automated casino games, there must be more individual player positions made available for these games than there are gaming machines made available for use.

## **Non-remote general betting licences**

Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available.

Such facilities for betting must include the provision of information that enables the customer to access details of the events on which bets can be made and to be able to place those bets, obtain details of the outcome of the events, calculate the outcome of their bets and be paid or credited with any winnings.

Where licensees provide facilities for betting only by means betting machines (machines which are designed or adapted for the purpose of making or accepting bets on future real events) the licensee must ensure that the number of betting machines is greater than the number of gaming machines which are made available for use in reliance on the premises licence.

## **Part II: Codes of Practice**

### **Code provisions**

#### **9 Primary gambling activity**

##### **Non-remote general betting, bingo and casino operating licensees**

###### **Ordinary code provision**

In order to demonstrate that the primary gambling activity for which an operating licence has been issued is being offered in each licensed premises, licensees should have regard to the following general factors:

- the ratio of the space available to customers allocated to the primary gambling activity, to that allocated to other gambling activities
- the extent to which the primary gambling activity is promoted on the premises and by way of external advertising compared to other gambling activities
- the use, either expected or actual, to be made of the different gambling facilities

Licensees should also have regard to the following additional sector specific factors:

##### **Non-remote bingo licensees**

###### **Ordinary code provision**

- the frequency and extent that bingo is, or is intended to be played on the premises, compared with the periods when the premises are open
- whether there is:
  - capacity on the premises for the generation of main stage bingo numbers
  - a facility to sell tickets or cards for bingo games on the premises
  - bingo available to be played whenever sessions are advertised
  - display of prize board information
  - a means of stopping a game to claim a win.

Not all the indicators would need to be present in a particular case, nor do they preclude others, but the combination of those factors that are present should be sufficient to indicate that the activity is the primary one in any given premises.

##### **Non-remote existing casino operating licensees**

###### **Ordinary code provision**

- the proportion of the gaming day for which live tables are, or will, be made available on demand.

Not all the indicators would need to be present in a particular case, nor do they preclude others, but the combination of those factors that are present should be sufficient to indicate that the activity is the primary one in any given premises.

### **Non-remote general betting licensees**

#### **Ordinary code provision**

- the range and frequency of events on which bets can be made.

Not all the indicators would need to be present in a particular case, nor do they preclude others, but the combination of those factors that are present should be sufficient to indicate that the activity is the primary one in any given premises.

**Gambling Commission January 2009**

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## **Keeping gambling fair and safe for all**

For further information or to register your interest in the Commission please visit our website at:  
**[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

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