

licensing authority bulletin

Summer 2018

News

- **New** Commission's plans to further protect children
- **New** IOL National Licensing Week
- **New** Full House - LA returns
- **New** Various gambling-related harm publications
- **New** Wakefield Council taskforce
- **New** New Scottish Government Ministers

Consultations

- **New** Changes to small society lottery thresholds

Case studies

- **New** Worcestershire Regulatory Services (WRS) letter to betting shops

Advice and guidance updates

- **New** New quick guide - sharing information and intelligence
- **New** New quick guide - public health & gambling
- **New** Minor amends to the Guidance to Licensing Authorities (GLA)
- **New** HMRC as a responsible authority
- **New** Updated LLEP – LA gambling assessment templates
- **New** Updated - Primary Authority gambling agreements
- **New** Entertainment bingo
- **New** Know your OUNs
- **New** Is it a club?

Information sharing

- **New** Commission's enforcement report
- **New** Commission's annual report
- **New** GambleAware's Strategic Delivery Plan
- Gambling training modules for LAs
- E-learning modules
- Wrong number?

Reference materials

- **Updated** Print-friendly quick guides and template letters
- Licensing authority inspection outcome letters and inspection guidance
- Gambling Act statutory notices and forms
- Statutory notifications and premises licence register
- Find operating licence holders
- Change of licensing personnel?
- Join our LinkedIn group

Annex 1

- Worcestershire Regulatory Services (WRS) letter to betting shops

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

News

Commission's plans to further protect children

We have set out [further commitments to protecting children and young people](#) from the dangers of gambling, building on work already underway in this area. Bringing together existing work and acting on the advice provided by the [Responsible Gambling Strategy Board](#) (RGSB), our strengthened focus seeks to ensure the right protections are in place to reduce the risk of harm to children and young people. The report focuses on the actions needed to address:

- access and exposure to gambling by children and young people
- digital and online risks
- preventative education and treatment
- evidence collection and consumer engagement.

IOL National Licensing Week

A huge thank you to those LAs who joined up with our Compliance Managers during the Institute of Licensing's National Licensing Week. Now in its third year Licensing Week highlights the significant role licensing plays in protecting consumers in everyday life – whether that be catching a taxi, buying a beer, purchasing a dog or placing a bet.

As part of this year's event, between 18 and 22 June, Commission colleagues were out and about across the country offering support to co-regulatory partners through joint inspections in gambling premises as well as providing training sessions and presentations. Councils getting involved included Caerphilly, Bedford, Mansfield, Oxford, Shropshire, Wigan, Plymouth, London Borough of Lewisham, Pendle, Brighton and Stroud to name but a few. A series of visits also took place with Police Scotland licensing officers to adult gaming arcades in Glasgow city centre which highlighted several areas requiring significant improvement and appropriate follow-up action has been undertaken in respect of the issues identified.

licensing authority bulletin

Full House- LA returns

We are pleased to say that all 380 LAs submitted their annual returns for the fifth year running. Many thanks again to LAs for their submissions. The report analysing the returns is due to be published at the end of September 2018.

Various gambling-related harm publications

We have published [a new approach to understanding the full range of harms gambling can have on society](#). The report - which is the result of close collaboration between us, GambleAware, and the Responsible Gambling Strategy Board - shows significant progress in understanding those effects and measuring the impacts on wider society and the economy as a whole.

The Local Government Association has published [tackling gambling related harm – a whole council approach](#) which gives an overview of problem gambling, and how councils can begin to try to help local residents who are impacted by it.

Problem gambling can present a challenge to local authorities as it links to a range of services, such as licensing, community safety, children and families and housing/homelessness. GamCare has published a [brochure](#) setting out how it is able to work across local authorities to provide an holistic response to problem gambling in local areas, offering a pick and mix package of paid-for training, consultancy, auditing and engagement services, all underpinned by an expert advice and treatment service which is available free of charge across the country.

A [rapid assessment report](#) on the issue of problem gambling in Birmingham based on a review of available evidence has been published. The report was funded by the Centre on Household Assets and Savings Management.

Cardiff and Vale Citizens Advice published [“Out of Luck in Cardiff – The Local Impact of Problem Gambling and Gambling Support Services”](#)

Wakefield Council taskforce

Wakefield Council has set up a [taskforce](#) to look at the risks that gambling poses to the young and vulnerable in the city after concerns were raised about the growing number of betting shops in the city centre.

New Scottish Government Ministers

In June there was a cabinet reshuffle of Ministers in the Scottish Government. The key appointments include Humza Yousaf MSP as Cabinet Secretary for Justice, Ash Denham MSP as Minister for Community Safety and Jeane Freeman as Cabinet Secretary for Health and Sport. Kevin Stewart MSP continues as the Scottish Government’s Minister for Local Government and Planning, and Joe Fitzpatrick MSP as Minister for Public Health. We have contacted the new Ministers to engage on issues related to the effective co-regulation of the gambling industry in Scotland.

Consultations

Changes to small society lottery thresholds

Department for Digital Culture, Media and Sport (DCMS) has published a [consultation](#) which sets out proposed changes to both large and small society lotteries.

Chapter 3 of consultation covers the proposed changes to small society lotteries that LAs register, which, if implemented, would have an impact on LA workload. Our advice to DCMS is also available. The consultation closes on 7 September 2018.



licensing authority bulletin



Case studies

Worcestershire Regulatory Services (WRS) letter to betting shops

Whilst conducting visits to betting premises during the National Licensing Week, WRS identified a number of similar issues in those premises that they visited. As a result they have proactively sent a letter to all the premises across the six councils within WRS, highlighting the recurring issues and asking the premises for their cooperation in addressing them. A copy of this letter is available in Annex 1.

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

Advice and guidance updates

New quick guide on sharing information and intelligence

We have published a [new quick guide](#), which summarises when and why LAs and the Commission should exchange information and why that's important in terms of working in a risk-based manner and avoiding the possibility of duplication of effort.

New quick guide - public health & gambling

We have published another [new quick guide](#) which explains the benefits of licensing and public health teams working together to address gambling issues. The [public health toolkit](#) for LAs has been refreshed and new information added.

Minor amends to the Guidance to Licensing Authorities (GLA)

Small wording amendments have been made to parts of the GLA to reflect the wording of SSI 2007/266 Gambling Act 2006 (Mandatory and Default Conditions (Scotland)) Regulations 2007.

These paragraphs have been amended 9.25, 17.43, 17.49, 17.53, 19.17, 19.19, 21.11 and 22.15.

Updated LLEP- A gambling assessment templates

We have received positive feedback about the updated assessment templates, produced through a partnership between the Commission, members of the Leicestershire Licensing Forum and the Leicester, Leicestershire and Rutland Enterprise Partnership (LLEP).

The LLEP project's website has been updated with the new versions of the forms. If you had previously downloaded the assessment forms – please replace them with the updated versions. We are currently reviewing the rest of the documentation on the LLEP site. We are keen that LAs share the findings from their assessments with us so that we can build a broader picture of compliance, so please keep sending a copy of your inspection outcome letters (or equivalent) to your local compliance manager.

HMRC as a responsible authority

As advised in the [March LA bulletin](#), the National Registration Unit is still the HMRC responsible authority for all matters concerning the Gambling Act 2005. The contact details are:

HM Revenue and Customs
Excise Processing Teams
Gambling Duties
BX9 1GL
United Kingdom
Email - nrubetting&gaming@hmrc.gsi.gov.uk
Telephone 0300 200 3700

Updated- Primary Authority gambling agreements

None of the Primary Authority partnerships have a National Inspection Strategy in place so there are no restrictions on proactive or reactive, intel led test purchasing. Details of the [current gambling Primary Authorities \(PA\) agreements](#) signed to date, and the impact on PA have on inspections is available on our website. Officers can access further information, including FAQs, on the [Primary Authority Register](#) in advance of an inspection of an operator with an inspection plan or primary authority advice on age verification in place to assist with getting the most out of the visit.

licensing authority bulletin



Entertainment bingo

In the [LA Bulletin November 2017](#) we drew attention to a new licensed bingo operator who is offering bingo in alcohol licensed premises (normally clubs) particularly targeting a younger audience like students. They are not the only entity to be trading across the country in a similar fashion, this includes festivals or similar events. Where possible we will contact LAs with further information if an event it is taking place in your locality, however should you have questions or concerns about entertainment bingo please contact your local compliance manager.

Know your OUNs

A frequently recurring issue that is raised in the annual LA returns is whether an Occasional Use Notice (OUN) can cover more than one day. LAs are reminded that an OUN must be submitted for each day that betting activity will be conducted on the premises. For example, if betting activity is taking place over 5 consecutive days, then 5 separate notices must be submitted by the operator. When completing your LA returns, the number of OUN days must equal the number of notices. See [Part 15 of the Guidance to Licensing Authorities](#) for more information about OUNs.

Is it a club?

Following some recent examples of canteens applying for club permits LAs are reminded that the applicant for a club machine or club gaming permit must satisfy the definition and requirements of a members' or commercial club, as defined in section 266 and 267 of the Gambling Act and summarised in the [members club or commercial club quick guide](#). As an example, in some cases at least, there does not appear to be a proper constitution, rules or membership list available.

Whilst the application form for such permits does not ask for evidence of how 'club' status is being achieved, you must be satisfied that the information provided by the applicant demonstrates that the premises meets the necessary requirements to be either a members' club/miners welfare institute or a commercial club.

The distinction between the two types of club is important as it reflects the type of gaming that is permitted. Genuine members' clubs can apply for a club gaming permit or a club machine permit, while commercial clubs can only apply for a club machine permit.

Clubs must also demonstrate that they are complying with the statutory codes of practice, namely, the [Code of practice for equal chance gaming in clubs and premises with an alcohol licence](#) and the [Code of practice for gaming machines in clubs and premises with an alcohol licence](#). Further [information about club permits](#) is available on our website.

Information sharing Commission's enforcement report

We have published a [report into enforcement](#) action that we have taken against operators over the past year, which also highlights the lessons we want gambling businesses to learn from our investigations and provides guidance to them on anti-money laundering, customer interaction, self-exclusion, unfair terms and practices and marketing and advertising.

Commission's annual report

We have published our [annual report and accounts](#) for 2017-2018 which summarises performance and progress by the organisation over the last financial year.

GambleAware's Strategic Delivery Plan

The [plan](#) outlines GambleAware's strategic priorities for 2018-2020, with the overall goal being to close the gap between the number of those getting treatment and those who need it by increasing the range, quality and quantity of early interventions and treatment, and by preventing people from getting into difficulty in the first place.



licensing authority bulletin

Gambling training modules for LAs

We have several refresher modules for licensing officers which compliance managers can deliver at regional/IOL licensing meetings. Modules available are:

- Safeguarding
- Money laundering
- Illegal betting in pubs
- Poker in pubs
- Small society lotteries
- Club gaming and club machine permits
- Test purchasing in England and Wales
- Gaming machines
- Betting at tracks
- Police powers on conducting gambling premises inspections (in gambling premises and alcohol licensed premises in England and Wales)
- Permit renewals.

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

E-learning modules

We have been working with the Institute of Licensing (IOL) to produce a series of e-learning modules on gaming machines and how they are regulated.

Module 1 covers:

- The role of LAs in the regulation of gambling
- What is a gaming machine
- The various types of gaming machines

Module 2 covers:

- The physical components of a gaming machine
- How gaming machines work
- The signage displayed on gaming machines

Module 3 covers:

- Compliant machines in inappropriate places (illegal siting)
- Examples of types of non-compliant machines
- How to take regulatory action.

These modules can be accessed by anybody. You can access these modules via the [IOL website](#), and they are CPD accredited (based on a 30 minute average).

Once on the website simply click on the 'e-learning' tab on the top right, then log in if you have an existing account, or request a log in via membership@instituteoflicensing.org to get started.

Please note, that the gaming machines sector is a diverse and complex one and this training is only designed to give a basic introduction, for help with complex issues seek specialist advice.

We are considering topics for future e-learning modules for licensing authorities and police, please submit suggestions to info@gamblingcommission.gov.uk.

Wrong number?

We have become aware that a number of LAs have the wrong telephone number for the Commission on their websites/gambling materials. Please ensure that you use the main telephone number 0121 230 6666 if you are signposting the Commission from your website.

Reference materials

Print-friendly quick guides and template letters

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

- [Public health and gambling \(NEW\)](#)
- [Sharing information and intelligence \(NEW\)](#)
- [Statement of Principles \(for councillors\)](#)
- [Money laundering](#)
- [Gaming machines in pubs](#)
- [Race night, casino night or poker night](#)
- [Members' club or commercial club](#)
- [Poker in clubs](#)
- [Poker in pubs](#)
- [Facilitating betting in pubs and clubs is illegal](#)
- [Skills with prizes](#)
- [Illegal gaming machines](#)
- [Comparing lottery ticket dispensers and B3A machines](#)
- [Illegal siting of gaming machines](#)
- [Fairs and fairgrounds](#)
- [Running a lottery](#)
- [Running prize competitions and free draws](#)
- [Multi-activity sites](#)
- [Police statutory powers under the Gambling Act](#)

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

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

licensing authority bulletin

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

Licensing authority inspection outcome letters and inspection guidance

A partnership between the Commission, members of the Leicestershire Licensing Forum and the Leicester, Leicestershire and Rutland Enterprise Partnership (LLEP), have worked together since 2013 to produce range of documents intended to assist LA teams when carrying out inspections of gambling premises. These forms were updated in May and the LLEP project's website has been updated with the new versions of the forms. If you had previously downloaded the assessment forms – please replace them with the updated versions.

Gambling Act statutory notices and forms

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

Using the right forms

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

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

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

Additionally we are aware that the gambling pages on many LA websites signpost applicants to the DCMS website for more information. As you will know the separate government departments now all use the www.gov.uk website and much of the historic gambling material is no longer available. LAs may wish to review and update their websites, signposting to the Commission's website where appropriate.

Statutory notifications and premises licence register

LAs are reminded that the information on the publicly available [premises register](#) is based on the statutory notifications received from LAs regarding grants, variations, revocations, lapses etc, and is updated monthly. LAs are encouraged to use email to submit details of grants, transfers, notices, revocations, permits by sending **all** necessary correspondence to info@gamblingcommission.gov.uk. Where email notification has been made it is not necessary to follow up by post.

In relation to gaming machines, please only share notices of grant/rejection of Club Machines Permits and Gaming Machine Permits, as there is no requirement to advise us when an alcohol licence holder submits their notification for an automatic entitlement to two gaming machines. However LAs must keep a record of how many automatic entitlement notifications it receives each year, as that information is requested in the annual LA returns.

Find operating licence holders

We also [publish](#) the names of all companies and individuals who hold, or have applied for, operating licences in Great Britain along with the names of companies or individuals whose licences have lapsed, been revoked, forfeited, expired, suspended or surrendered in the last 6 months. LAs are reminded to check the operator licence quoted on premises applications with the register before granting a premises licence. An application for premises licence may only be made by persons who have an operating licence which allows them to carry out the proposed activity for example a bingo operating licence for a bingo premises, or have applied for an operating licence (although the premises licence cannot be determined until an operating licence has been issued).

Change of licensing personnel?

We try to ensure our contact records are up-to-date, but please help us out by letting us know when there are any changes of gambling contacts in your LA so that our communications reach the correct person.

licensing authority bulletin



Join our LinkedIn group

The [licensing officers and LAs group](#) is aimed at helping licensing officers understand the key role LAs play in gambling regulation in Great Britain.

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

You can also follow the [LinkedIn Gambling Commission company page](#).

making gambling fairer and safer
www.gamblingcommission.gov.uk

Dear Sirs,

Gambling Act 2005 – Betting Premises Licence Compliance Visits

Worcestershire Regulatory Services carries out licensing functions under the Gambling Act 2005 on behalf of the six district councils across Worcestershire. These are:

- Bromsgrove District Council
- Malvern Hills District Council
- Redditch Borough Council
- Worcester City Council
- Wychavon District Council
- Wyre Forest District Council

In recent weeks we have been conducting compliance visits to a number of premises that are subject to betting premises licences issued by these Council's under the Act. During these visits, although compliance levels were generally very good, the same issues have been presenting themselves quite frequently.

Therefore we felt it would be useful to write to all of the operators of licensed betting premises across Worcestershire to highlight the issues we are regularly coming across.

Display of the Summary of Terms and Conditions of the Premises Licence

It is a mandatory condition of all betting premises licences that the summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises.

We have found that the summary of the terms and conditions of the premises licence is often displayed, but is often difficult for our officers to locate and is often displayed behind the staff counter, making it difficult to view.

We would suggest that "a prominent place" should be somewhere where the summary can be viewed and read without having to leave the publicly accessible areas of the premises. If the summary is not in such a position in any of your licensed premises, we could ask that it is relocated so that it is.

Availability of the Premises Licence

In addition to the requirement to display the summary of the terms and conditions of the premises licence, section 185 of the Gambling Act 2005 states that the holder of a premises licence shall—

- (a) keep the licence on the premises, and
- (b) arrange for the licence to be made available on request to—
 - (i) a constable,
 - (ii) an enforcement officer, or
 - (iii) an authorised local authority officer.

During our visits we have frequently found that the staff that are on the premises are not able to locate and produce the premises licence to us.

Therefore we would ask that the premises licence is kept in a location that is known to all staff working on site and is accessible to them so it can be made available on request.

Local Area Risk Assessments

Under Social Responsibility Code Provision 10.1.1, licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

In accordance with ordinary code Provision 10.1.2, licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

Officers conducting compliance visits will ask to see the local risk assessment that is specific to the premises concerned. Often the staff on site are not able to locate this document on the premises. Therefore we would ask that the premises specific local risk assessment is kept in a location that is known to all staff working on site and is accessible to them so it can be made available on request.

Written Complaints Procedure

Social responsibility code provision 6.1.1 requires the licence holder to put into effect a written procedure for handling customer complaints and disputes. The code provision goes on to say that the licence holder must ensure that customers are given a copy of the complaints procedure on request or on making a complaint.

During our visits we found we were frequently told by the staff of duty that if there was a complaint or dispute, the aggrieved person would be given the phone number for customer services, but that there were no copies of the complaint procedure available to give out to customers on request.

Please ensure that copies of the complaints procedure are available on the premises to be given to customers and that staff are trained in the need to provide this on request and where they can find the documents.

Responsible Gambling Information

Social responsibility code provision 3.3.1 requires licence holders to make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling.

The code goes on to say that for gambling premises, information must be available in all areas where gambling facilities are provided and adjacent to ATMs. Information must be displayed prominently using methods appropriate to the size and layout of the premises. These methods may include the use of posters, the provision of information on gambling products, or the use of screens or other facilities in the gambling premises. Information must

also be available in a form that may be taken away and may also be made available through the use of links to be accessed online or using smart technology. Licensees must take all reasonable steps to ensure that this information is also readily accessible in locations which enable the customer to obtain it discreetly.

During our visits to premises we have found that responsible gambling materials in the form of leaflets are not always as prominent and numerous as we might consider appropriate. Specifically we would expect leaflets to be made available to pick up close to each gaming machine provided for use on a betting premises.

We also found that responsible gambling leaflets provided were not always being provided in locations which enabled the customer to obtain them discreetly.

Therefore we would ask that you review the amount of responsible gambling leaflets that are being made available and where they are located on your premises to ensure that social responsibility code 3.3.1 is being complied with in full.

I look forward to receiving your co-operation in addressing the matters raised above in premises for which you hold a betting premises licence in Worcestershire.

Yours sincerely