

**Gambling Act 2005**

**Your guide to compliance visits by Authorised Local Authority Officers – Alcohol Licensed Premises**

**About this leaflet**

This leaflet is intended to provide basic information to the holders of premises licences and permits under the *Gambling Act 2005*, and the staff who are responsible for the management of licensed gambling premises. The leaflet also provides information about the nature of compliance visits to your premises by Authorised Local Authority Officers.

It may be useful to share this leaflet with other employees in the business.

**Who is responsible for compliance and enforcement of the Gambling Act 2005?**

For the most part, responsibility for compliance and enforcement of the *Gambling Act 2005* is shared between the Gambling Commission and local Councils (Local Authorities), who are referred to as Licensing Authorities’ in the Act.

The Gambling Commission is primarily responsible for the operating and personal licences and Licensing Authorities for premises licences and permits. Licensing Authorities will tend to focus on the impact of gambling provision on local communities while the Commission’s attention will more often be focused at a national level.

The Gambling Commission and Licensing Authorities also work together to ensure compliance and to promote the licensing objectives as set out in the Act. These 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, and
* protecting children and other vulnerable persons from being harmed or exploited by gambling.

**Ensuring compliance with the Gambling Act 2005**

One of the key methods used by the Licensing Authority to achieve compliance with the *Gambling Act 2005* is to carry out visits to licensed premises. Other methods may include the periodic review of premises licences and taking enforcement action when required, which can range from issuing written warnings to actual prosecutions.

When visiting your premises, the Authorised Local Authority Officer will be looking to check on your compliance with the *Gambling Act 2005*, premises licence conditions, and the codes of practice.

A list of the compliance matters is provided overleaf. However, please note that this list is not definitive, as there may be other related compliance matters which the visit may need to address.

**How often will your premises be visited?**

The Licensing Authority cannot provide you with a definitive statement of how often your premises will be visited. However, you can be assured that visits are risk-based. This means that if your premises is perceived to be ‘low risk’ it will receive fewer visits than those premises perceived to be ‘high risk’. High risk rated premises may be those where there are factors such as reports of underage gambling or previous breaches of premises licence conditions and codes of practice. Low risk rated premises will generally be those which have demonstrated compliance with premises licence conditions and codes of practice.

**Legal powers of Authorised Local Authority Officers to enter your premises**

* Authorised Local Authority Officers can inspect your premises for assessing compliance with the terms and conditions of your licences under the *Gambling Act 2005.*
* They can also inspect any part of the premises, any machine or other thing or question any person on the premises.
* They can require access to any written or electronic record which is kept on the premises or require that a copy is provided.
* The Officer can also remove or retain anything if they reasonably believe that it constitutes or contains evidence of the commission of an offence under the *Gambling Act 2005*, or a breach of a term or condition of the premises licence.
* Officers may also use reasonable force in order to enter the premises for inspection purposes, should it be necessary.
* It should be noted that it is an offence if a person, without reasonable excuse, obstructs or fails to cooperate with an Authorised Local Authority Officer who is exercising powers under Part 15 (‘Inspection’) of the Gambling Act 2005.
* It is also an offence to provide false information without reasonable excuse to the Authorised Local Authority Officer.

**Identification requirements**

When the Authorised Local Authority Officer visits your premises, they will provide proof of their identity (and authority) to a person appearing to be the occupier or having responsibility for the management of the premises. Anyone accompanying the Officer will also provide evidence of their identity.

**Complaints**

Our Officers will always endeavour to comply to the highest professional standards while visiting your premises; however, if you feel you have a complaint about the inspection of your premises, you should contact the Authorised Local Authority Officer’s manager or Head of Service in the first instance and your complaint will be investigated.

If you are still not satisfied you can use the Local Authority’s formal complaints procedure. Contact details of the Council are provided below.

In cases of maladministration you can also make a complaint to the Local Government Ombudsman (<http://www.lgo.org.uk/>).

**Written inspection record provided by the Authorised Local Authority Officer under the Gambling Act 2005 (SI 2007/ 319)**

Any of the following persons may, following the inspection, make a request in writing for a written record of the inspection to be provided:

* Gambling Commission
* Person present at the time of the inspection and who appears to the Authorised Local Authority Officer to be responsible for the management of the premises, or occupies the premises
* The premises licence holder
* Person who occupies the premises or is responsible for their management at the time of the inspection

The request can be made by sending a written request to the following postal or email address:

\*\*Please amend before issuing\*\*

X Council address

[licensing@xcouncil.gov.uk](mailto:licensing@xcouncil.gov.uk)

Date and time of the inspection………………………………………………………………………

Person to whom this statement was provided………………………………………………………

Authorised Local Authority Officer …………………………………………………………………...

Signature of Authorised Local Authority Officer…………………………………………………….

**Outcome of the inspection**

□ A letter will be sent in due course outlining the inspection findings and remedial action (if any) required.

□ Based on the scope of the inspection, and evidence reviewed at the time, no remedial action is required.

**Further information**

Gambling Commission website: <http://www.gamblingcommission.gov.uk>

**Compliance matters which the visit may address**

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| **Legislative Requirement** |
| The licensed premises gaming machine permit must be kept on the premises. (GA05 Schedule 13 paragraph 8/ SSI 2007/ 505 provision 10) |
| Offence to employ a child or young person to work in premises where gaming machines are situated where such persons may be required to perform a function in connection with the gaming machine. (GA05 Section 54) |
| Gaming machines permitted: Category C and D gaming machines in line with allowances detailed under the premises permission.  Category C = £1 stake / £100 prize  Category D = 10p stake / £5 money prize or 30p stake / £8 non-money prize or 10p stake / £8 prize of which £5 maximum is money.  Coin pusher only: 20p stake / £20 prize of which £10 maximum is money  Crane grabs only: £1 stake/ £50 non-money prize  (GA05 Sections 282 or 283) |
| Gaming machines satisfy SI 2007 / 2319 and SI 2007 / 2320 which include requirements that gaming machines display:   * what category it is * the name and telephone number for assistance with problem gambling * that the machine is not to be used by child / young person unless it is a category D * the % return to player |
| All gaming machines must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means. (**Code of practice for gaming machines in clubs and premises with an alcohol licence – For club gaming permits, club machine permits and alcohol licensed premises** - March 2012) |
| All gaming machines must be located in a place that requires a customer who wishes to use any ATM machine to cease gambling at the gaming machine in order to do so. (Code of practice for gaming machines in clubs and premises with an alcohol licence – For club gaming permits, club machine permits and alcohol licensed premises - March 2012) |
| If Skill with Prizes machines are available at the premises, checks should be made to ensure no category C or D machines are included within the software. |
| The premises must be not be mainly used for making gaming machines available. (GA05 Schedule 13 paragraph 16 SSI 2007 /505 provision 16c) |
| If facilities for equal chance gaming are provided then it must comply with the conditions below:   * that no amount is deducted or levied from the sums staked or won * that there is no participation fee charged * that there is no linking of games with games played in other premises * that persons under 18 are excluded from the gaming   (GA05 Section 279). |
| If facilities for equal chance gaming are provided, then it must comply with the stakes and prize regulations below:   * all gaming (other than dominoes and cribbage) has a stakes limit of £5 per person per game. Poker carries an aggregate stakes limit per day of £100 * poker as a prize limit of £100 per game. Other gaming (excluding bingo) has no prize limits.   (SI 2007 / 1940) |
| Bingo: in any 7 day period the aggregate stakes or prizes for bingo must not exceed £2000. If that limit is exceeded the Gambling Commission must be notified. An offence is committed if the limit is exceeded more than once in any rolling year and an appropriate operating licence is not in place (GA05 Section 281). |
| Premises, and designated persons, that offer exempt gaming should ensure the following code provisions are satisfied:   * games are held in areas restricted to adults * that checking of age is carried out for potentially underage players * games are conducted in supervised places * equipment is supplied by the premises and secured when not in use * rules should be displayed or otherwise available   (**Gambling Commission Code of Practice for Equal Chance gaming for clubs and alcohol licensed premises** – Dec 2009). |
| Commercial betting isn’t allowed in pubs. This includes the premises acting as “bookmaker”, the premises acting as an intermediary by accepting bets on behalf of a licensed operator and a licensed operator (or their agent) directly accepting bets on the premises. (GA05 Sections 33 and 37) |
| Lotteries are a form of gambling and must be offered in compliance with the requirements primarily laid out within Schedule 11 of the Gambling Act 2005. It defines exempt lotteries and applicable conditions covering areas such stakes and prizes, ticket information and suitability for fundraising. |