

**Gambling Act 2005**

**Your guide to compliance visits by Authorised Local Authority Officers - Tracks**

**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

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

**Compliance matters which the visit may address**

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| **Premises Licence Condition** |
| Summary of the premises licence shall be displayed in a prominent place within the premises. (mandatory condition – SI 2007 / 1409/ SSI 2007 / 266) |
| The layout of the premises shall be maintained in accordance with the plan. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| No customer shall be able to access the premises directly from another premises which has a casino premises licence or an adult gaming centre premises licence. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a **prominent** place at every public entrance to the premises. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| The terms on which a bet may be placed (Tattersalls Rules) must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets will be operating under a valid operating licence and are enabled to accept such bets in accordance with GA05, Sections 92, 93 or 94. (mandatory condition – SI 2007 / 1409/ SSI 2007 / 266) |
| The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person(s) who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| (Horseracing tracks only) The premises licence holder shall provide a place on the premises where betting operators and betting operators’ assistants may provide facilities for betting. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| (Dog tracks only) A totalisator on the premises shall only be operated at a time when the public are admitted for the purpose of attending dog races and no other sporting events are taking place on the premises, and for the purpose of effecting betting transactions on the dog races taking place on the premises. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| (Dog tracks only) At any time when the totalisator is being used, no betting operator or betting operator’s assistance shall be excluded from the premises for the reason that s/he proposes to negotiate bets on the premises. There must also be space made available where the betting operators and their assistants can conveniently accept and negotiate bets in connection with the dog races running on the premises that day. (mandatory condition - SI 2007 / 1409/ SSI 2007 / 266) |
| Hours of operation – No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next, except where there is a sporting event taking place on the premises. Where there is a sporting event taking place on the premises then gambling may take place at any time that day. (default condition - SI 2007 / 1409/ SSI 2007 / 266) |
| **Additional premises licence conditions attached by the licensing authority**:Note: where a condition is attached to a premises licence to require door supervisors, if the Private Security and Industry Act 2001 means that they must be SIA registered then that also becomes a condition of the premises licence. (GA05 Section 178) |
| **Gambling Act 2005 legislation (GA05)** |
| A track premises licence does not itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operator’s licence. However track owners holding both a track premises licence and a Commission operator’s licence – pool betting (in effect Dog tracks only) may site up to four gaming machines within categories B2 to D. (GA05 Section 172 and SI 2007 / 2158)Category B2 = £100 stake / £500 money prizeCategory B3 = £2 stake / £500 money prizeCategory B4 = £2 stake / £400 money prizeCategory C = £1 stake / £100 money prizeCategory D = 10p stake / £5 money prize or 30p stake / £8 non-money prize or 10p stake / £8 prize of which £5 maximum is money.Some tracks will also qualify for an alcohol licence and therefore have automatic entitlement to two gaming machines category C to D. (GA05 Section 282)In some cases the track owner may have varied the premises licence in order to allow part of the premises to function under a separate betting premises licence. If the holder of the betting premises licence also holds a betting operator’s licence issued by the Commission then the holder may site up to four gaming machines within categories B2 to D. **In such cases it must be noted that premises operating under a separate betting premises licence will no longer benefit from the track premises licence in relation to the presence of under 18’s and alcohol within the licensed area.** Note: stakes may be paid by cash or non-cash forms of payment, except that credit cards cannot be used directly or indirectly to pay for any gaming machine use and debit cards may only be used as an indirect form of payment eg to purchase a token or smart card that is subsequently put in the machine. (SI 2007 / 2158 and SI 2007 / 2319) |
| Premises licence shall be kept on the premises and available on request by police, enforcement officer or authorised local authority officer. (GA05 Section 185) |
| No gambling on Christmas Day. (GA05 Section 183) |
| Protection of Children & Young Persons - offence if invite, causes or permit a person under 18 to gamble. (GA05 Section 46) |
| Offence if invites or permit a person under 18 from entering areas where gaming machines other than Category D are situated. (GA05 Section 47 and 182) |
| Offence if employ:* a person under 18 to provide facilities for gambling (GA05 Section 51)
* a person under 18 to perform any function on the premises where gaming machines are sited or in connection with a gaming machine (GA05 Section 54).
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| **Social Responsibility Code Provisions (SRCP) and Ordinary Code Provisions (OC)** |
| The following should be applied when engaging with the holder of the track premises licence in relation to social responsibility:-While individual betting operators have primary responsibility for ensuring that suitable social responsibility policies and procedures are in place, as part of their mandatory licence conditions, the Commission considers that track premises licence holders should accept some responsibility for supporting and promoting socially responsible gambling on the premises.As best practice holders of the track premises licence should have a basic understanding of the typical social responsibility policies and procedures of a betting operator so that staff are able to deal with queries and advise members of the public accordingly. The holder of the premises licence should be encouraged as best practice to promote social responsible gambling and remind race goers of the law regarding underage gambling. This can be achieved via public announcements, advertising in race card, displaying posters etc. **The provisions below only apply on the rare occasion that the premises licence holder is also the holder of a Commission operator’s licence. This currently relates to all Dog Tracks and a small number of race tracks - when the premises licence holder will operate a tote pool betting facility or operate a separate betting premises on the track or there is an in-house fixed odds betting service available.** |
| Does the licensee contract any third parties in relation to their licensed activities? Is a commitment to taking responsibility for third party operators evident? (SRCP 1.1) |
| Can the licensee evidence an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling. (SRCP 3.1) |
| Licensee(s) must have and put into effect policies and procedures designed to prevent underage gambling? (SRCP 3.2).  |
| Is information readily available to customers on how to gamble responsibly and seek help in respect of problem gambling? (SRCP 3.3) |
| Has the licensee put into effect policies and procedures for customer interaction where they have concerns that a customermay be at risk of or experiencing harms associated with gambling (SRCP 3.4) |
| Licensees have and put into effect procedures for self-exclusion? (SRCP 3.5) |
| At horse-race tracks customers must be provided with a betting slip or ticket detailing:* Operator’s name and contact details
* Race day name or code, date and race number
* Name and/or number of the selection
* The stake, odds and potential return or whether the bet will be settled according to Starting Price
* The type of bet

 (SRCP 4). |
| Are the terms and conditions of any customer incentive or reward schemes clearly set out and readily available to customers? (SRCP 5) |
| All Pool Betting Licensees must publish their rules relevant to the deduction levels for each available pool, the rounding of winning dividends to a whole unit, the procedure for when there is no winner of the pool and claim periods for winning bets (SRCP 4.2.9) |
| Has the licensee put into effect appropriate policies and procedures for accepting and handling customer complaints and disputes in a timely, fair, open and transparent manner? (SRCP 6) |
| Have licensees ensured that employees involved in the provision of facilities for gambling are made aware of advice on socially responsible gambling and where to get help should their own gambling become hard to control? (SRCP 7) |
| Can the operator evidence policies, procedures and control measures to mitigate risks identified within the Local Risk Assessment? (SRCP 10) |