

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

SUMMARY OF PROPOSED CHANGES TO EXISTING POLICY FOLLOWING CONSULTATION

July 2021

Paragraph number ⁱ	Title/description ⁱⁱ	Proposed amendment ⁱⁱⁱ	Reason ^{iv}
9.4	Enforcement	The Licensing Authority works in partnership with the Gambling Commission to regulate gambling. In doing so, the Commission will tend to focus on operators and issues of national or regional significance, and licensing authorities will take the lead on regulating gambling locally. The Commission and licensing authorities may work directly together on particular issues, for example where it may establish a precedent or help build capacity and learning to be rolled out more widely.	Clarity
9.5	As above	The Commission draws on, and shares, the intelligence and insights of its regulatory partners, in particular licensing authorities, who may well be better positioned to identify emerging risks to the licensing objectives or instances of illegality which can start at a local level. By working closely together we are able to prevent such risks growing into a more widespread problem and to ensure that both the Commission and licensing authority resources are used efficiently.	Clarity

9.6	As above	It is the view that the statutory duty to aim to permit gambling, subject to reasonable consistency with the licensing objectives, is best delivered through partnership working between industry and regulator, including licensing authorities. Licensing authorities should aim to work with local businesses to reduce the risk to the licensing objectives to acceptable levels. The Act does not envisage regulation by either the Commission or licensing authorities being aimed at preventing legitimate gambling	Clarity
10.1	Licensing Authority Functions	Licensing authorities have responsibility for licensing gambling premise within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes. In England and Wales, local authorities have these responsibilities; in Scotland they have been given to licensing boards. The Act also provides a system of temporary and occasional use notices. These enable licensing authorities to authorise premises that are not licensed generally for gambling purposes, to be used for certain types of gambling for limited periods.	Clarity
12.1 12.2 12.3 12.4	Premises Licences General Principles	<p>Considering applications for premises licences is the main business of the licensing authority in terms of local gambling regulation. Where an individual or company uses premises, or causes or permits premises to be used to offer gambling, a premises licence is required.</p> <p>Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.</p> <p>In accordance with s.150 of the Act, premises licences can authorise the provision of facilities on:</p> <ul style="list-style-type: none"> • a) casino premises • b) bingo premises • c) betting premises, including tracks and premises used by betting intermediaries • d) adult gaming centre (AGC) premises (for category B3, B4, C and D machines) • e) family entertainment centre (FEC) premises (for category C and D machines) – the licensing authority may issue a FEC 	Clarity

		<p>gaming machine permit, which authorises the use of category D machines only.</p> <p>By distinguishing between premises types, the Act makes it clear that the gambling activity of the premises should be linked to the premises described. Thus, in a bingo premises, the gambling activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not to licences granted under the Gambling Act 2005) and betting premises licences. The Licence conditions and codes of practice (LCCP) sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.</p>	
13.1	Adult Gaming Centres	<p>Gaming machine provisions by premises are set out at Appendix A. S.172(1) of the Act, as amended, provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.</p>	To set out the provisions relating to AGC's
13.2	As above	<p>Premises subject to a licence granted before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. AGC premises licences granted on or after 13 July 2011 are entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to subcategory B3 and B4 machines, but not B3A machines (S1 2158 The Categories of Gaming Machine Regulations 2007</p>	As above
16.1	Bingo Premises	<p>S.172(7), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premise. For example, a</p>	To set out the gaming machine provisions for a Bingo

		<p>premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3⁴⁶ (but not B3A) and B4 machines.</p>	Premises
16.3 16.4	Bingo Premises	<p>Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.</p> <p>An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.</p>	To set out the provisions relating to electronic bingo terminal (EBT's) and video bingo terminals (VBT's) in Bingo Premises
17 17.11	Betting Premises Self Exclusion	<p>Social Responsibility Code Provision 3.5.6 requires that all non-remote casino (and bingo and betting licences except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. There is also an Ordinary Code provision at 3.5.7.</p>	To set out the self-exclusion provision in the Social Responsibility Code.
18.8	Tracks	<p>S.179 provides that a betting premises licence in respect of a track may not authorise pool betting to take place, other than in respect of dog or horse racing and only where the acceptance of bets is by the holder of the betting premises licence, or in accordance with arrangements made by them. In</p>	Clarity

		the case of dog racing, this preserves the existing arrangements at dog tracks where the totalisator is operated by or on behalf of the occupier of the track.	
18.9	Tracks	It is expressly prohibited in the Gambling Act to employ children and young people to work on tracks.	Clarity
22.1	Unlicensed Family Entertainment Centres Gaming Machine Permits	Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.	
22.2		uFECs are premises which are 'wholly or mainly' used for making gaming machines available . As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.	
27.1	Occasional Use Notices	<p>S.39 of the Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an OUN without the need for a full premises licence. The Secretary of State has the power to increase or decrease the number of occasional use notices that an operating licence holder could apply for each calendar year. 'Day' is defined as midnight to midnight, so an event that starts on one calendar day and ends on the following day would count as two days. OUNs are designed to allow licensed betting operators to provide betting facilities at genuine sporting events (such as point-to point racecourses and golf courses for major competitions) within the boundaries of the identified venue on a specific date, without the need for a full betting premises licence. An OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The following should be noted in relation to an OUN:</p> <ul style="list-style-type: none"> • OUNs can only be relied upon for eight days or fewer in a calendar year and therefore we will keep 	Clarity

		<p>a record of the number of notices served in relation to each track. The period of eight days applies to the venue and not the individual who has submitted the notice.</p> <ul style="list-style-type: none"> • an OUN must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of eight consecutive days, the operator will be required to submit eight separate notices. • the notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event. • no objection or counter notice (refusal) is possible unless the maximum number will be exceeded. • notice must be given to the licensing authority and the police, in writing, before the event starts. • no premises licence can exist for the place which is the subject of the notice. • land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established. 	
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ⁱ List in this column the paragraph number from the licensing policy as published by your authority. Only list those paragraphs which are proposed to be amended

ⁱⁱ Set out the paragraph or section heading to give an indication of the matter covered by the paragraph

ⁱⁱⁱ Insert details of the proposed amendment eg “delete X”, “insert Y”, “insert replacement as follows ‘Z...’”

^{iv} Where possible, give a reason for making the amendment eg “to correct an error”, “transitional provisions are no longer relevant”