

**iL**

**Busting Common Gambling Myths & Misconceptions**

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**MYTH**

To obtain a Club Machine Permit or Club Gaming Permit, a club must be licensed under the LA03

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**FACT**

- A club only needs to hold a Club Premises Certificate under the LA03 if they are applying for their Club Machine Permit or Club Gaming Permit under the Fast Track procedure

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**Club Gaming & Machine Permits**

- Commercial club – s.266; Members club – s.267
- Both have to have at least 25 members, be established and conducted wholly or mainly for purposes other than gaming (unless bridge and whist), and be permanent in nature
- Commercial clubs are established for commercial gain (whether or not they are making a commercial gain)
- Members clubs have to be conducted for the benefit of the members
- NEITHER HAS TO BE LICENSED UNDER THE LA03 – for example, it could be a knitting club!

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**Useful information about clubs under GA05**

- [What is a club?](#)
- [What are the entitlements for machines and gambling in clubs?](#)
- [Guidance to licensing authorities – Clubs](#) (includes information on defining clubs, betting in clubs, exempt gaming in clubs, and protection of children)
- [Summary of gaming entitlements in clubs in table form](#)
- [Poker as exempt gaming in clubs](#)
- [Code of practice for equal chance in clubs \(and also alcohol licensed premises\)](#)
- [Code of practice for gaming machines in clubs \(and also alcohol licensed premises\)](#)

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**MYTH**

- You need to understand how the various games are played to deal with allegations about illegal gambling.

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**FACT**

- There is usually no need to understand the rules of a game or how a game is played to prove an offence under the GA05.
- Generally, you only need to know what entitlement the premises has (for example if it is licensed to sell alcohol, it is a members club and so on) and whether the gambling could be possibly classed as private gaming.
- If somebody has gone to the trouble of buying expensive poker tables and equipment and hired dealers then it is unlikely you are dealing with private gaming!
- Many LA's allow themselves to get bogged down in the detail, but the elements of the offence are pretty straightforward to prove and we can provide you with questions for customers, dealers and the organiser.
- GC staff do not know how the games are played either, unless we happen to play them in our spare time!

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**MYTH**

You can only run a lottery online if it is licensed by the Gambling Commission.

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**FACT**

You can run a Small Society Lottery online, as well as things that look like a lottery, but aren't.

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**'Lotteries' that can be run online without a licence**

- Small society lotteries are exempt and therefore can be run online.
- [Prize competitions and free draws](#) are not lotteries, although they look like them. They are not licensable and can be run online.
- Prize competitions require you to exercise skill to enter.
- Free draws provide a free entry route (ordinary 1<sup>st</sup> or 2<sup>nd</sup> class post, text at standard rate or other method no less convenient than the paid route that is advertised so it can be easily found by people proposing to enter).
- [Fundraising, raffles and lotteries - Gambling Commission](#)

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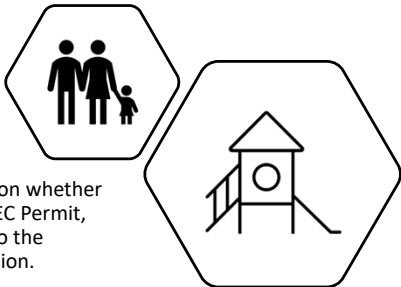
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**MYTH**



- If you need advice on whether you can grant a uFEC Permit, you should speak to the Gambling Commission.

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**FACT**

- Ideally, you should set out your process for determining uFEC permit applications in your Statement of Principles and decide what information should accompany the application. See Sch 10 s.5(c) and s.7(1) and s.7 (2). The Gambling Commission has no involvement in granting permits, as these are the responsibility of local authorities.

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**MYTH**

- Local authority and Police officers are not involved in matters such as safer gambling

**FACT:**  
Only through choice, not law

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**LA's, the Police, and the [LCCP](#)**

s.307 gives the same powers to the Police and LA as the GC for determining if facilities are, will be or have been provided in accordance with the Operating Licence or Premises Licence.

s.317 gives Police and LA officers the same wide ranging powers as the GC to inspect anything, question anyone, access records, and remove and retain evidence relating to an offence or breach of Operating or Premises Licence condition.

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**MYTH**

- If an alcohol licensed premises applies for a permit for three or more machines, there's nothing you can do about it, even if they want ten machines in small premises.

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**FACT**

- Yes you can – see [Schedule 13 GA05](#)

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**Permits for three or more gaming machines**

- You can grant the application, refuse it, or grant it for a smaller number of machines, a different category of machine, or both. You have to consider the licensing objectives, the GLA, and 'such other matters as you think relevant'.
- You would have to allow the applicant to make representations, and they can appeal to the Magistrates Court.
- It's a good idea to talk about this in your Statement of Principles – give some examples of what you will consider and when you might refuse or grant for a smaller number of machines.

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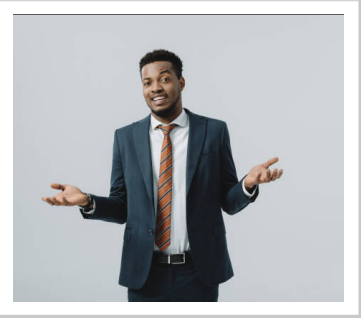
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**MYTH**

- If a small society lottery don't send in their lottery returns, there isn't a lot you can do about it.

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**FACT**

- If they don't submit their returns, they commit an offence under s.262 GA05 and you can deal with it as you would any other offence. Not much else to say on that really....

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**MYTH**

- Dealing with illegal gambling is the Gambling Commission's responsibility, or they at least have to be involved.

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**FACT**

- The Commission only deals with illegal gambling where there are high risk issues of national or regional significance.

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**Illegal gambling**

- The Commission has a small number of staff to deal with compliance and enforcement for every gambling operator in the world offering gambling in GB, including all the people who hold Personal Licences.
- Most of their time is spent dealing with online gambling and serious failings from large multinational operators. One compliance assessment takes two staff a month!
- The Commission cannot deal with local gambling issues (those at LA level), and cannot deal with every report of illegal gambling it receives.
- The Commission has a risk based approach – our focus is on high risk illegal gambling that affects GB or a large proportion of it.
- Police and local authorities are expected to deal with local illegal lotteries and illegal gambling in premises in their area.

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**MYTH**

- If you have a gambling related query and don't know the answer, the only thing you can do is contact the Gambling Commission.



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**FACT**

- The GC has extremely limited resources to provide support to local authorities.
- We have extensive plain English resources on our website that will answer the majority of queries.
- Landing page: [Authorities - Gambling Commission](#)



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**Examples of topics covered**

- [Assessment templates](#)
- Links to all [statutory forms](#)
- [Lotteries](#)
- [Poker](#)
- [Primary Authority Agreements](#)
- [Test purchasing](#)
- [Clubs, pubs, and everything related to gambling in them](#)
- [Everything you need to know about gaming machines](#)
- [UFEC's and OUN's](#)
- [Gambling Commission register](#)

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**Examples of guidance documents**

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**Who to contact at the Commission**

- Reports of suspected illegal gambling: [intelligence@gamblingcommission.gov.uk](mailto:intelligence@gamblingcommission.gov.uk)
- Copies of licences and applications: [glocalauthority@gamblingcommission.gov.uk](mailto:glocalauthority@gamblingcommission.gov.uk)
- Requests for GC advice/assistance: [compliance@gamblingcommission.gov.uk](mailto:compliance@gamblingcommission.gov.uk)
- Outcomes of licensed premises visits: [inspection@gamblingcommission.gov.uk](mailto:inspection@gamblingcommission.gov.uk)
- Help with LA returns: [lareturns@gamblingcommission.gov.uk](mailto:lareturns@gamblingcommission.gov.uk)
- Before requesting our advice or support, please refer to our [website](#).

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