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## Gambling Act 2005

UK Public General Acts 2005 c. 19 Part 1 Gaming Section 7

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### Changes over time for: Section 7

01/10/2005

20/05/2008

**Changes to legislation:** There are currently no known outstanding effects for the Gambling Act 2005, Section 7.

7

**Casino**

- (1) For the purposes of this Act a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.
- (2) In this Act "casino game" means a game of chance which is not equal chance gaming.
- (3) But the Secretary of State may by regulations provide that a specified activity, or an activity carried on in specified circumstances, is to be or not to be treated as a casino game for the purposes of this Act (and subsection (2) is subject to regulations under this subsection).
- (4) For the purposes of this section it is immaterial—
  - (a) whether an arrangement is provided on one set of premises or on more than one;
  - (b) whether an arrangement is provided wholly or partly by means of remote communication.
- (5) The Secretary of State shall make regulations by reference to which any casino may be classified as—
  - (a) a regional casino,
  - (b) a large casino,
  - (c) a small casino, or
  - (d) below the minimum size for a licensed casino.
- (6) Regulations under subsection (5) may make provision by reference to—
  - (a) the number of gaming tables used or designated for the playing of specified casino games or classes of casino game,
  - (b) the location of gaming tables used or designated for the playing of specified casino games or classes of casino game,
  - (c) the concentration of gaming tables used or designated for the playing of specified casino games or classes of casino game,
  - (d) the floor area used or designated for a specified purpose,
  - (e) any combination of the matters listed in paragraph (a) to (d), or
  - (f) any other matter.
- (7) Regulations under subsection (5) may—
  - (a) include provision for determining what floor area is to be treated as being used or designated for a purpose;
  - (b) include provision for determining what activities do or do not amount to the playing of a specified casino game or class of casino game;
  - (c) include provision for determining what is or is not to be treated as a gaming table (and, in particular, in what circumstances a number of tables are to be treated as if they were a single gaming table);
  - (d) provide that a gaming table is to be treated as being used or designated only if specified conditions (which may, in particular, relate to purpose of use, extent of use or circumstances of use) are satisfied.

**Commencement Information**

- I1 S. 7(1)-(4) in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)
- I2 S. 7(5)(b)-(d) (6) (7) in force at 20.5.2008 by S.I. 2008/1326, art. 2, Sch.

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# Gambling Act 2005

[UK Public General Acts](#) [2005 c. 19](#) [Part 8](#) [Licensing authorities' functions](#) [Section 153](#)

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## Changes over time for: Section 153

21/05/2007

**Changes to legislation:** There are currently no known outstanding effects for the Gambling Act 2005, Section 153.

### 153 Principles to be applied

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—
  - (a) in accordance with any relevant code of practice under section 24,
  - (b) in accordance with any relevant guidance issued by the Commission under section 25,
  - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
  - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- (3) This section is subject to section 166.

#### Commencement Information

I1 S. 153 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(2), [Sch. 2](#) (with arts. 7-11, 7-12, [Sch. 4](#)) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

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# Gambling Act 2005

[UK Public General Acts](#) [2005 c. 19](#) [Part 8](#) [Application for licence](#) [Section 159](#)

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## Changes over time for: Section 159

21/05/2007

01/09/2007

20/05/2008

**Changes to legislation:** There are currently no known outstanding effects for the Gambling Act 2005, Section 159.

### 159 Making of application

- (1) A person may apply to a licensing authority for a premises licence to be issued to him authorising the use of premises to carry on an activity listed in section 37(1).
- (2) An application must be made to a licensing authority in whose area the premises are wholly or partly situated.
- (3) An application may be made only by a person who—
  - (a) holds an operating licence which authorises him to carry on the activity in respect of which the premises licence is sought, or
  - (b) has made an application, which has not yet been determined, for an operating licence which authorises him to carry on the activity in respect of which the premises licence is sought.
- (4) But subsection (3) does not apply to an application for a premises licence which authorises a track to be used for accepting bets (and which does not also, otherwise than by virtue of section 172, authorise it to be used for another purpose).
- (5) An application may be made only by a person who has a right to occupy the premises to which the application relates.
- (6) An application must—
  - (a) be made in the prescribed form and manner,
  - (b) contain or be accompanied by the prescribed information or documents, and
  - (c) be accompanied by the prescribed fee.
- (7) Regulations prescribing a matter for the purposes of this section may, in particular, make different provision for—

- (a) applications in respect of different classes of activity, or
  - (b) different circumstances.
- (8) In this section "prescribed" means—
- (a) in relation to applications to authorities in England and Wales, prescribed by regulations made by the Secretary of State, and
  - (b) in relation to applications to authorities in Scotland, prescribed by regulations made by the Scottish Ministers.

#### Commencement Information

- 11 S. 159 in force at 21.5.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(2)(3), **Sch. 2**, **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)
- 12 [S. 159](#) in force at 21.5.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by [SI 2007/1157](#), art. 3(3), 4(2))
- 13 [S. 159](#) in force at 1.9.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)
- 14 [S. 159](#) in force at 20.5.2008 for specified purposes by [S.I. 2008/1326](#), art. 2, **Sch.**

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# Gambling Act 2005

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## Changes over time for: Cross Heading: Provisional statement ?

21/05/2007

01/09/2007

20/05/2008

**Changes to legislation:** There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Provisional statement. ?

### *Provisional statement*

#### 204 Application

- (1) A person may make an application for a provisional statement in respect of premises—
  - (a) that he expects to be constructed,
  - (b) that he expects to be altered, or
  - (c) that he expects to acquire a right to occupy.
- (2) The provisions of this Part shall apply in relation to an application for a provisional statement as they apply in relation to an application for a premises licence—
  - (a) subject to the provisions of this section and section 205, and
  - (b) with any other necessary modifications.
- (3) An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as may be prescribed.
- (4) Sections 152(1)(b) and 159(3) and (5) shall not apply in relation to an application for a provisional statement.

#### Commencement Information

I1 S. 204 in force at 21.5.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(2), [Sch. 2](#) (with [arts. 7-11](#), [7-12](#), [Sch. 4](#)) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

- 12 S. 204 in force at 21.5.2007 in so far as not already in force by [S.I. 2006/3272, art. 2\(3\)](#), [Sch. 3](#) (with [arts. 7-11, 7-12, Sch. 4](#)) (as amended by [SI 2007/1157, art. 3\(3\), 4\(2\)](#))
- 13 [S. 204](#) in force at 1.9.2007 for specified purposes by [S.I. 2006/3272, art. 2\(4\)\(5\)](#), [Sch. 3B](#) (with [arts. 7-11, 7-12, Sch. 4](#)) (as inserted by [S.I. 2007/2169, arts. 3, 6, Sch.](#))
- 14 [S. 204](#) in force at 20.5.2008 for specified purposes by [S.I. 2008/1326, art. 2](#), [Sch.](#)

## 205 Effect

- (1) This section applies where—
- (a) a licensing authority issue a provisional statement in respect of premises, and
  - (b) an application is made under section 159 for a premises licence in respect of the premises.
- (2) The licensing authority shall disregard any representations made in relation to the application for the premises licence unless they think that the representations—
- (a) address matters that could not have been addressed in representations in relation to the application for the provisional statement, or
  - (b) reflect a change in the applicant's circumstances.
- (3) The licensing authority may refuse the application, or grant it on terms or conditions not included in the provisional statement, only by reference to matters which—
- (a) the authority have considered in reliance on subsection (2)(a), or
  - (b) in the authority's opinion reflect a change in the applicant's circumstances.
- (4) But subsections (2) and (3) do not apply in the case of a provisional statement issued in response to an application under section 204(1)(a) or (b) if the licensing authority think that the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement in accordance with section 204(3).

### Commencement Information

- 15 S. 205 in force at 21.5.2007 by [S.I. 2006/3272, art. 2\(2\)](#), [Sch. 2](#) (with [arts. 7-11, 7-12, Sch. 4](#)) (as amended by [S.I. 2007/1157, arts. 3\(3\), 4](#))

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# Gambling Act 2005

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## Changes over time for: Section 235

01/01/2007

21/05/2007

01/09/2007

**Changes to legislation:** There are currently no known outstanding effects for the Gambling Act 2005, Section 235.

### 235 Gaming machine

- (1) In this Act "gaming machine" means a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).
- (2) But—
  - (a) a domestic or dual-use computer is not a gaming machine by reason only of the fact that it can be used to participate in remote gambling,
  - (b) a telephone or other machine for facilitating communication (other than a computer) is not a gaming machine by reason only of the fact that it can be used to participate in remote gambling,
  - (c) a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events,
  - (d) a machine is not a gaming machine by reason only of the fact that it dispenses lottery tickets or otherwise enables a person to enter a lottery provided that the results of the lottery—
    - (i) are not determined by the machine, and
    - (ii) are not announced by being displayed or communicated by the machine without there being an interval, between each entry to the lottery and the announcement, of at least such duration as the Secretary of State shall prescribe by order,
  - (e) a machine is not a gaming machine if—
    - (i) it is designed or adapted for the playing of bingo, and
    - (ii) it is used in accordance with a condition attached to a bingo operating licence under section 75 or 77 by virtue of section 85(2)(b),
  - (f) a machine is not a gaming machine if—
    - (i) it is designed or adapted for the playing of bingo by way of prize gaming, and
    - (ii) it is used in accordance with a condition attached to a gaming machine general operating licence under section 75 or 77 by virtue of section 85(2)(b),
  - (g) a machine is not a gaming machine if—
    - (i) it is designed or adapted for the playing of bingo by way of prize gaming,
    - (ii) it is made available for use in reliance on a family entertainment centre gaming machine permit or a prize gaming permit, and
    - (iii) any requirements prescribed for the purposes of this paragraph in a code of practice under section 24, as to the specification of the machine or the circumstances in which it is made available for use, are complied with,

- (h) a machine is not a gaming machine by reason only of the fact that it is designed or adapted to be—
    - (i) controlled or operated by an individual employed or concerned in arranging for others to play a real game of chance, or
    - (ii) used in connection with a real game of chance the arrangements for which are controlled or operated by an individual, and
  - (i) a machine is not a gaming machine by reason only of the fact that it is designed or adapted to enable individuals to play a real game of chance, if—
    - (i) its design or adaptation is such that it does not require to be controlled or operated by a person employed or concerned in arranging for others to play the game,
    - (ii) it is not designed or adapted for use in connection with a game the arrangements for which are controlled or operated by an individual, and
    - (iii) it is used in accordance with a condition attached to a casino operating licence under section 75 or 77 by virtue of section 85(2)(b).
- (3) In this Act—
- (a) a reference to a machine is a reference to any apparatus which uses or applies mechanical power, electrical power or both,
  - (b) a reference to a machine being designed or adapted for a purpose includes—
    - (i) a reference to a computer being able to be used for that purpose (subject to subsection (2)), and
    - (ii) a reference to any other machine to which anything has been done as a result of which it can reasonably be expected to be used for that purpose (subject to subsection (2)),
  - (c) a reference to a part of a gaming machine—
    - (i) includes a reference to any computer software designed or adapted for use in a gaming machine, but
    - (ii) does not include a reference to a component of a gaming machine which does not influence the outcome of a game,
  - (d) a reference to installing a part of a gaming machine includes a reference to installing computer software for the purpose of altering the operation of a gaming machine,
  - (e) a reference to adapting a gaming machine includes a reference to adapting a machine so that it becomes a gaming machine, and
  - (f) “domestic computer” and “dual-use computer” shall have the meanings assigned by the Secretary of State by regulations.
- (4) Regulations under subsection (3)(f) may, in particular, make provision by reference to—
- (a) the location of a computer,
  - (b) the purposes for which a computer is used,
  - (c) the circumstances in which a computer is used,
  - (d) the software installed on a computer, or
  - (e) any other matter.
- (5) The Secretary of State may make regulations providing for circumstances in which a single piece of apparatus is to be treated as more than one gaming machine for the purpose of provision made by or by virtue of this Act; and the regulations may, in particular, make provision by reference to the number of persons able to operate the apparatus at the same time.

#### Commencement Information

- I1 S. 235 in force at 21.5.2007 in so far as not already in force by S.I. 2006/3272, art. 2(2), Sch. 2 (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)
- I2 S. 235(1) (2)(b)-(i) (3)(a)-(e) (5) in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)
- I3 S. 235(2)(a)(3)(f)(4) in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

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# Gambling Act 2005

[UK Public General Acts](#) [2005 c. 19](#) [Part 18](#) [Miscellaneous](#) [Section 349](#)

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## Changes over time for: Section 349

31/03/2006

31/01/2007

**Changes to legislation:** There are currently no known outstanding effects for the Gambling Act 2005, Section 349.

### 349 Three-year licensing policy

- (1) A licensing authority shall before each successive period of three years—
  - (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
  - (b) publish the statement.
- (2) A licensing authority shall—
  - (a) review their statement under this section from time to time,
  - (b) if they think it necessary in the light of a review, revise the statement, and
  - (c) publish any revision before giving it effect.
- (3) In preparing a statement or revision under this section a licensing authority shall consult—
  - (a) either—
    - (i) in England and Wales, the chief officer of police for the authority's area, or
    - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
  - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
  - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- (4) The Secretary of State may make regulations about—
  - (a) the form of statements under this section;
  - (b) the procedure to be followed in relation to the preparation, review or revision of statements under this section;
  - (c) the publication of statements under this section.
- (5) In relation to statements prepared under this section by licensing authorities in Scotland, subsection (4) shall have effect as if the reference to the Secretary of State were a reference to the Scottish Ministers.
- (6) The Secretary of State shall by order appoint a day as the first day of the first period of three years for the purpose of this section.
- (7) Where a licensing authority is specified in an order under section 175 they shall ensure that their statement under this section includes the principles that they propose to apply in making determinations under paragraph 5 of Schedule 9.

**Modifications etc. (not altering text)**

C1 S. 349(6): 31.1.2007 appointed for the purposes of s. 349 by [S.I. 2006/637](#), art. 2

**Commencement Information**

I1 S. 349 in force at 31.3.2006 by [S.I. 2006/631](#), art. 2(1)(b)

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organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as Gamcare, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions)

local public health team and mental health teams

local businesses

other tiers of local government (where they exist)

responsible authorities.

It is good practice to clarify in the consultation which aspects of the current statement you are proposing to change.

Cabinet Office **guidance on public consultations state that the time required for a public consultation** 'will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events), and might **typically vary between two and 12 weeks**'.

Licensing authorities should look at the views submitted by consultees and consider carefully whether they should be taken into account in finalising their statements. A licensing authority should always be able to give reasons for the decisions it has made following consultation. However, they should ensure that they only consider matters within the scope of the Guidance, Act and Codes of Practice. Even if there is a large response regarding a certain issue, an authority may be unable to deal with the issue under the Gambling Act, although there may be other options for addressing issues raised (eg planning).

Given the requirement to undertake a consultation when the statement of principles is amended, authorities may wish to consider separating their statements into distinct segments (possibly by sector). This would ensure that they need only consult on the section they propose to amend, rather than on the full statement, if changes need to be made.

Licensing authorities are required to publish their statements four weeks prior to them coming into effect, eg on or by 3 January 2019 if the statement takes effect on 31 January 2019. Licensing authorities are required to publish a notice advertising the publication of the statement on or before it comes into effect.

## Key issues for the statement of principles

### Legal requirements

Licensing authorities are required to include within their statements a number of points set out in statutory regulations:

- setting out the three licensing objectives that the statement is intended to uphold
- a commitment to upholding the statutory aim to permit gambling
- a description of the geographical area to which the statement applies (typically a plan of the area)
- a list of those consulted in preparing the statement
- the principles the licensing authority will apply in designating a competent body to advise it about the protection of children from harm and, if already determined, who this body is. In most places, this will be the local safeguarding children board, or following changes brought in under the Children and Social Work Act 2017, the new local multiagency safeguarding arrangement (see further in the report).
- the principles the licensing authority will apply in determining whether someone is an interested party for the purposes of premises licences or applications for them
- the principles to be applied in relation to exchanging information with the Gambling Commission or other bodies with whom licensing authorities are authorised to share information under the Act
- the principles to be applied in exercising inspection functions and instigating criminal proceedings.

If the licensing authority has agreed a 'no casino' resolution, this should be included within the statement, alongside details of how (i.e. by full council) and when the decision was reached. Each licensing authority should publish a separate statement of principles, even where joint arrangements might exist between a number of local authorities.

### Local area profiles

The guidance for licensing authorities recommends that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements. Although there is no mandatory requirement to do this, the LGA encourages all its members to do so as a matter of best practice. In simple terms, the objective of the profiles is to set out what your area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.

Licensing authorities are advised to keep their local area profiles separate to their statements, to **enable the profiles to be updated without the need to re-consult on amending the full statement of principles. However, the implications of the profiles for their regulatory approaches should be set out in the statement**.

Some councils have expressed concern about whether they have access to information about local risks, or whether there are any local gambling risks to be addressed at all. It may therefore be helpful to start from simple principles, and expect that for many authorities these profiles will develop over a period of time. Public health colleagues may have useful data to contribute, in addition to that supplied by the police. Additionally, support organisations such as GamCare may be able to provide information about numbers of people accessing treatment for problem gambling in the area.

As stated, the aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises. This profile might therefore include reference to:

schools, sixth form colleges, youth centres, etc, with reference to the potential risk of under-age gambling

hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups

religious buildings

any known information about issues with problem gambling

the surrounding night time economy, and possible interaction with gambling premises

patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises

the socio-economic makeup of the area

the density of different types of gambling premises in certain locations

specific types of gambling premises in the local area (eg, seaside resorts may typically have more arcades or FECs).

**Crucially, local councillors know and understand their areas as well as anyone, and are well-placed to contribute to the development of local area profiles**. The Gambling Commission also recommend engaging with responsible authorities and other organisations that can help build up a profile of both actual and potential local risks in developing local area profiles. This includes organisations involved in public health, mental health, housing, education, welfare groups and community safety partnerships, and organisations such as Gamcare or equivalent local support organisations.

One issue to consider is whether there is a need to differentiate different parts of the licensing authority area in drawing up local area profiles, depending on the size and nature of the area.

A smaller authority may take the view that there are no reasons to distinguish one part of the borough from any other. In contrast, larger areas may wish to differentiate the area into segments or zones with different characteristics and risks, enabling them to outline different expectations for applications or operators based in each. For example, a larger licensing authority that has a specific geographic area with a higher density or specific type of gambling premises may wish to differentiate this from the rest of the borough. Similarly, smaller authorities may also find this approach suitable, for example if there is a busier town centre and surrounding rural area with a very different profile.

In February 2016, **Westminster and Manchester Councils published the outcome of a piece of research** aimed at better understanding the issue of gambling related harm and local area vulnerability to it. The research considered different risk factors related to gambling, and went on to map these factors in terms of the local area. The maps developed by Westminster showing one particular hotspot area in the borough subsequently helped to support the authority's decision to refuse an application for an additional premises in an area with an existing cluster and high local risk factors.

The LGA (which part funded the research) has helped disseminate the findings and tools from the research to other licensing authorities, who may in future want to use these to develop their local area profiles.

### Expectations of operators

Local area profiles will help the authority to develop its expectations of existing operators and new applicants in the licensing authority area. The statement of principles is the key tool for setting this out clearly, so that operators are clear what is expected of them.

### Risk assessments

As an example, the statement of principles is an **opportunity for a licensing authority to set out its expectations of the local risk assessments that operators must now undertake** in respect of all gambling premises. Where authorities do not set out any expectations, it is more difficult for them to raise objections where they are not satisfied with the assessments that operators subsequently prepare.

Operators are **required** to take into account the licensing authority's statement of principles in developing their risk assessments, so authorities should therefore specifically outline the issues they expects operators to cover within their risk assessments. Operators are not automatically required to share their risk assessments with licensing authorities except when they are applying for a new premises licence or to vary an existing one. However, the Gambling Commission is advising operators to do so. Authorities may use the statement of principles to clarify whether or not and how regularly they expect to receive a copy of each premises' risk assessment, and any expectations around risk assessments being kept on the premises to which they relate, rather than at head office.

Authorities will wish to ensure that the risk assessment covers the following broad headings:

reference to any specific local risks (linked to the local area profile)

how the operator proposes to mitigate these risks

how the operator will monitor specific risks.

The statement should also set out if the licensing authority has any specific expectations of risk assessments for different types of premises. This will be linked to broader expectations of operators (linked to activity and location), as set out below. The **Gambling Commission's January 2018 bulletin** contains examples of good practice on setting out expectations for local risk assessments.

### Applications and variations

The statement should also set out the licensing authority's expectations of new applications and the issues the authority will take into account in considering applications for new licences, permits or variations in different sectors or parts of the borough, depending on the risks associated with each.

This should include the information that the authority would expected to see as part of any such application, for example minimum standards for a plan and layout of the premises. It could also include a list of required information about staffing arrangements in the premises, or the security features that will be put in place.



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INTERNATIONAL



## Gambling Business Group launches 'fact checking' initiative in face of 'highly questionable' research

DATA

As the industry prepares to engage in the post White Paper consultation process the **Gambling Business Group** is concerned that poor quality research will impact the integrity of gambling policy, so much so that it has launched a fact checking programme to protect the industry from unreliable data - some of which it argues has been supported by funding from voluntary settlements.

As part of its pursuit of objective, transparent and robust research the Gambling Business Group has announced the launch of a 'fact checking' initiative to protect members and the industry at large from what Chief Executive Peter Hannibal described as 'a damaging combination of mis and disinformation' some of which he claims has been approved with funding from voluntary settlements.

Long-time advocates of research transparency the GBG alongside Dan Waugh of Regulus Partners last year exposed the fundamental fault-lines in the Public Health England claim that '409 suicides a year were associated with problem gambling only'.

The GBG/Regulus analysis highlighted the fact that the data was a crude extrapolation taken from a small sample of people receiving treatment for gambling disorder in Sweden, something which the researchers had expressly warned against doing.

Taking-up the story Peter Hannibal argued that this was far from being a one-off. He said: "The Office for Health Improvement and Disparities ('OHID') subsequently published a review of the 2021 report by Public Health England, a review which turned out to be an equally crude attempt to estimate the costs of harmful gambling.

"Our contention is that someone in a position of authority should have been reviewing the output and sense-checking it prior to publication."

He continued: "Rewind to summer 2022 and the publica-



tion of '10 questions to ask if you are scrutinising gambling harm' by the Centre for Governance and Scrutiny (the 'CIGS').

"This was funded from voluntary settlements agreed by the Gambling Commission and aimed at Local Authorities. The Regulus Partners evaluation raised a number of questions: firstly, should the regulator be involved with the dissemination of what we believe to be misleading information about the market it regulates?"

"Secondly, should it be encouraging local licensing authorities to impose market restrictions on the basis of misinformation? We are pleased to report that since the GBG brought this to the attention of the Gambling Commission the document has been removed from the CIGS's website."

The most recent body of work to have provoked Hannibal's ire is the report by The National Institute of Economic and Social Research (NIESR) entitled 'The Fiscal Costs and Benefits of Problem Gambling: Towards Better Estimates'.

Peter Hannibal has written to Gambling Commission Chief Executive Andrew

Rhodes requesting a meeting in order to discuss a critique produced by Regulus Partners which dismantles the NIESR report.

Describing it as another questionable piece of work funded from voluntary settlements Peter Hannibal explained in his correspondence: "We support the Commission in its ambition to be

'authoritative, trusted and impartial'. In order to achieve this aim, it is imperative that we are able to discuss - openly and constructively - how research is undertaken. We therefore request a meeting at your earliest convenience in either Birmingham or London to discuss our shared ambition and our present concerns'.

He warned: "With the White Paper now thankfully published, it is critical that the ensuing changes and consultations are informed by robust and factual evidence. The Gambling Business Group's wide range of members are understandably very concerned about the apparent bias in these documents and of the risk that such research will detrimentally affect the quality of gambling policy, regulation changes and the protection of the vulnerable."

## Crown Leisure acquires Olympia Amusements from the Mason family

ACQUISITION

Crown Leisure has completed the purchase of Thornton-Cleveleys FEC and AGC Olympia Amusements, purchasing the Rough Lea Road premises from the Mason family for £1.3m.

The 9,395 sq ft property is a prominent landmark on the Cleveleys seafront, and also includes a fish and chip shop and ice cream kiosk, as well as two residential flats above.

"The site has been in the family for nearly 80 years," said Michael Mason of Masons Amusements Ltd. "I am delighted that it has been sold to an established operator who

we know will be investing in the business and look forward to seeing the results. I wish them every success."

The purchase of the distinctive Art Deco-style building, which features an arcade at ground level with ancillary space behind, was completed on 23 May, and is the latest deal secured by specialist leisure agent CJ White Associates.

Director Colin White said: "We are delighted that we have been able to secure a successful sale of this amusement arcade for our client through a confidential and targeted marketing campaign."



## Bad research leads to bad decisions

Peter Hannibal says...

"The Gambling Business Group's wide range of members are understandably very concerned about the apparent bias in these four documents and of the risk that bad research will detrimentally affect the quality of gambling policy, regulation changes and the protection of the vulnerable..."

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Cleveland Police

8 April 2022 ·

\*\*\* Proceeds of Crime Act Hearing Confiscates Almost £140,000 \*\*\*

Economic Crime Officers with the assistance of colleagues from the Gambling Commission worked to ensure a man had to surrender tens of thousands of pounds.

In July 2020, an investigation into a 27-year-old man, from Middlesbrough, began as he was suspected of running illegal lotteries from his Facebook page.

The man was running a substantial amount of lottery style services including 'bonus balls' and 'raffles' for his own personal gain with thousands of transactions going through his bank accounts. These types of lotteries are the preserve of charities and other 'good causes' and cannot be run for private or commercial gain unless they qualify as one of the 'exempt' class of lotteries in the Gambling Act 2005.

At a Proceeds of Crime hearing at the end of March, a forfeiture order was made for almost £140,000 held in bank accounts belonging to the man which were considered to be his personal profit from the lotteries.

Sgt Suzanne Boulton from the Confiscation Team said: "This was a complex investigation and our officers, in particular DC Deborah Southall, conducted a comprehensive investigation to achieve this outcome.

"I'd like to thank the Gambling Commission for their assistance, particularly in providing evidence which supported our enquiries.

"No one should profit from criminal activity and the Proceeds of Crime Act enables police and partner agencies to confiscate cash, including money held in bank accounts and other physical assets gained through illegal means.

"This result serves as a stark warning that anyone involved in such activity can expect to find themselves the focus of intense scrutiny and any so-called ill-gotten gains can be forfeit."

A spokesperson from the Gambling Commission said: "Illegal lotteries, including those taking place through social media channels, will continue to be a focus for our enforcement work as we link up closely with police forces and platforms like Facebook to pinpoint not only the activity, but those behind it and those who are breaching gambling rules and social media standards."



79

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# Partnership work successfully shuts down illegal Facebook lotteries

02 February 2022

An investigation led by the Gambling Commission has seen the disruption of illegal lotteries operating on social media platform, Facebook

Working with UK law enforcement partners through the Government Agency Intelligence Network (GAIN), and specialists from the social networking platform, the Commission's probe focused on the operation of illegal and unlicensed lotteries given the risks they posed to consumers and vulnerable people.

The illegal lotteries, which offered a variety of cash prizes, children's toys and clothing, saw two individuals identified for promoting illegal activity and removed from associated Facebook groups after being issued with cease and desist letters by the North East Regional Special Operations and South West Regional Organised Crime Units respectively.

Helen Venn, executive director of the Gambling Commission said: "There were hundreds of people taking part in these lotteries but it was important to identify those who were organising and moderating them illegally.

"Working alongside our colleagues at Facebook and the police, we are pleased that key individuals have been identified and this type of activity, which only increases the risk of gambling harm, has been disrupted.

"Illegal lotteries, including those taking place through social media channels, will continue to be a focus for our enforcement work this year as we link up closely with platforms like Facebook to pinpoint not only the activity, but those behind it and those who are breaching gambling rules and social media standards."

David Gill, GAIN Coordinator at the South West Regional Organised Crime Unit said: "We know the actual winners in illegal lotteries, which often promise high value prizes and cash draws, are too often the people running them – and they are persistent in their attempts to keep operating.

"We will continue to support the Gambling Commission in targeting and disrupting people profiting from such illegal schemes.

"Work like this shows the value and absolute necessity of the full range of enforcement agencies working together as part of the GAIN network."

Kevin Benson, GAIN Coordinator based at the North East Regional Special Operations Unit said: "It's important to acknowledge the harm illegal gambling can cause, especially when unregulated lotteries like these benefit from targeting some of the most vulnerable people in our communities, especially those caught up in a cycle of addiction.

"We will continue to work alongside our partners and help assist in the disruption of illegal lotteries and other gambling platforms."

Ms Venn, who leads the Commission's licensing, compliance and enforcement teams, added that many of these lotteries fail to give any funds to good causes, and consumers taking part do not benefit from legal protection.

## Note to editors

Journalists can contact our press office on 0121 230 6700 or email: [communications@gamblingcommission.gov.uk](mailto:communications@gamblingcommission.gov.uk) (Link: <mailto:communications@gamblingcommission.gov.uk>).

For all media enquiries, please contact the [Gambling Commission press office](#) (/contact-us/guide/journalists-and-researchers).

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Last updated: 2 February 2022

► [Show updates to this content](#)

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# Illegal gambling

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## Introduction

Part of our statutory remit and a key licensing objective is to keep crime out of gambling. When consumers access potentially illegal gambling sites, they expose themselves to many risks and are not afforded the protections in place that are expected in the regulated sector.

To tackle this issue, we use an intelligence led approach, assessing information gathered from multiple sources and working closely with partner agencies to prevent access to illegal websites by GB consumers.

Our initial action is to issue Cease and Desist (C&D) letters. If this action does not prove successful, we use disruption techniques, which include utilising our relationships with web hosting companies to suspend or IP block GB consumers from accessing the websites, contacting payment providers to remove payment services and liaising with social media sites to prevent websites appearing on search engines or being hosted.

These methods help to ensure that we continue to react proportionately and appropriately to the illegal provision of gambling facilities and prevent unlicensed operators interacting with GB consumers. If these methods fail then a criminal prosecution may be authorised.

We are particularly focused on identifying and disrupting websites which are targeted at young or vulnerable people, those who experience significant harms from their gambling and self-excluded gamblers.

The most widely reported complaints from members of the public related to the allowance of gambling. This accounted for 62% of all unlicensed remote reporting for the financial year 2020 to 2021 representing a 17% increase compared to the financial year 2019 to 2020.

Reports from members of the public concerning refusal to payout accounted for the second highest reporting category during the period 2020 to 2021. 37 reports were identified, which is consistent with previous levels, some of which also complain about allowance of play.

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## Issues identified and actioned

Enforcement identified 99 unlicensed remote operators transacting with GB customers during the financial year 2020 to 2021. This figure includes instances of multiple reports on the same illegal website.

We achieved the following:

Action taken against unlicensed remote operators transacting with GB customers during the financial year 2020 to 2021

Action taken	Number of unlicensed operators
--------------	--------------------------------

Action taken	Number of unlicensed operators
GB registration removed (operator prevents players based in GB from gambling)	14
GEO IP Blocked	13
Removed by Host	10
Removed by Owner	7
Website Suspended	3

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## Other action

We continue to support police forces within the United Kingdom with their criminal investigations and provide advice through NPCC stakeholder engagement.

In addition, we engaged with 15 international regulators in this business year 2020 to 2021 to share information and learning to help raise prominence of this issue internationally. Our international engagement ensures we continue to refine and focus our own approach in relation to our tactics and disruption activity.

Further, The Gambling Commission will be responding and providing advice to [Department of Culture, Media and Sport \(opens in new tab\)](#) (DCMS) as part of the Government initiated Gambling Act Review. Illegal gambling, an area of which is specifically considering the risks of illegal gambling and what the Commission approach in terms of powers, resources and remit should be.

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## Consumer guidance on unlicensed websites

Unlicensed operators present greater risks to GB consumers. We would remind members of the public not to gamble on any unlicensed websites and to read our [guidance on this topic](#).

Please inform The Commission of any examples of such sites so that we can take appropriate action by contacting the following email address:

[intelligencereports@gamblingcommission.gov.uk](mailto:intelligencereports@gamblingcommission.gov.uk) (opens in new email).

If you choose to gamble, check that you are gambling with a licensed operator. If you have any doubts, check their [licence status on our website](#).

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## Illegal lotteries on social media

We are seeing an increase in illegal lotteries on social media. During this financial year, a total of 823 instances were identified where an allegation of a social media platform either hosting or advertising illegal gambling was received.

Reports signify each instance of notification of illegal gambling via a social media platform and in some instances, more than one report has been submitted in relation to a single subject. In addition, upon further assessment, 391 of the reports demonstrated no evidence of illegal activity and so no further action was taken.

Where more than one social media platform has been utilised for a single instance of illegal gambling, each platform will have been counted individually. The 823 reports can be broken down as follows:

Platforms used for illegal gambling

	Hosted and or facilitated	Advertised and or promoted	Total
Facebook	664	65	729
Instagram	27	20	47
Snapchat	0	1	1
Twitter	5	18	23
Youtube	6	12	18
whatsapp	0	2	2
Reddit	0	1	1
Twitch	2	0	2
<b>Total</b>	<b>704</b>	<b>119</b>	<b>823</b>

Facebook accounted for the highest volume of reports received, (this includes Instagram) followed by Twitter and YouTube.

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## Issues identified and actioned

We have reported 391 lotteries to Facebook during the financial year 2020 to 2021. Of these, 378 have so far been removed by Facebook.

Facebook lotteries are continually evolving both in volume and complexity. The prizes are increasing in value and becoming more diverse. The Commission is engaged with several partner stakeholder agencies, including Police, DWP & local authorities to disrupt the activity referred to.

We have reported 23 lotteries to Twitter, 5 concerned hosting and 18 promoting. Of these 2 reports have been dealt with by issuing a Cease and Desist. 18 reports were received regarding YouTube of which 4 have been removed.

The Commission is committed to continually reviewing our approach and response to the fast-changing environment of online illegal gambling. We are assessing whether we need further legislative powers, in addition to our current range of tactics, to respond appropriately.

We will advise government of our conclusions via our formal advice on the current review of the [Gambling Act 2005 \(opens in new tab\)](#). We are also developing our collaboration with foreign regulators to identify joint approaches to the rise in illegal lotteries on social media and with the social media sites themselves in terms of education regarding the issue.

## Consumer guidance

If members of the public wish to set up and run a lottery they are directed to the published [guidance for fundraising and lotteries](#) on the Commission website. The guidance is very clear in that Lotteries in Great Britain can only be promoted for charities and other good causes. They cannot be promoted for private or commercial gain.

If members of the public suspect an illegal lottery is taking place, we would ask that you report it by contacting [intelligence@gamblingcommission.gov.uk](mailto:intelligence@gamblingcommission.gov.uk) ([opens in new email](#)). Providing evidence of the suspect illegal activity in the form of a screenshot showing the offending group or post and any linked Uniform Resource Locator (URL) will assist us in assessing appropriate disruption or enforcement action.

