

LICENSED PREMISES GAMING MACHINE PERMIT

Overview

The Government's aim is for gaming machines to only be in premises where children's access is controlled.

Only premises where alcohol sales are not ancillary to other activities are eligible to obtain licensed premises gaming machine permits.

The purpose is to ensure that premises that provide gaming machines do not allow unaccompanied children on to the premises.

Licensed Premises

A licensed Premises Gaming Machine Permit applies to premises with a Licensing Act 2003 on-premises alcohol licence which contains a bar at which alcohol is served, but without a requirement that alcohol is served only with food and only at a time when alcohol may be sold in reliance on the Licensing Act 2003 Premises Licence.

There is no limit on the number of machines that an individual premises may apply for, but the Licensing Authority has the discretion to restrict the number of machines on individual premises, or change the category of the machines, with regard to the licensing objectives of the Gambling Act.

Where such a Permit is granted, it will effectively replace any automatic entitlement to two machines.

The Gambling Act provided an automatic entitlement to make available two gaming machines of Categories C or D for use in appropriate premises licensed under the Licensing Act 2003.

To take advantage of this entitlement, the Premises Licence Holder must give notice to the Council of their intention to make gaming machines available for use, and must pay the prescribed fee.

Exempt Gaming

Section 279 of the Gambling Act allows pubs and other eligible premises to provide 'Exempt Gaming'. There are however, a number of conditions:

- It must be **equal chance gaming** (e.g. bingo, bridge and certain poker games);
- Stakes and prizes must comply with the limits prescribed in regulations;
- No amount may be deducted or levied from amounts staked or won;
- No participation fees may be charged;
- The games played may only take place on one set of premises, i.e. there may not be any linking of games between premises; and
- Children and young people must be excluded from participation.

Different limits on stakes and prizes apply to different types of gaming.

Breach of Conditions

Licensees are expected to monitor any gaming that takes place on their premises, and take all reasonable steps to ensure that it complies with the statutory conditions including the limits on stakes and prizes. Under section 310(2) of the Act, a constable or Gambling Commission enforcement officer or authorised local authority officer may enter premises that hold an on-premises alcohol licence in order to determine whether gaming activities occurring in the premises satisfy the statutory conditions.

Any breach of the conditions in respect of particular premises would leave them liable to the loss of their entitlement to offer gaming and/or gaming machines, and criminal prosecutions. Where a breach of the Gambling Act has implications for alcohol licensing objectives it may, as with breaches of other laws, be taken into account by licensing authorities and others in the exercise of these functions under the relevant legislation.