

LICENSING AND SAFETY COMMITTEE
19 APRIL 2007

GAMING IN LICENSED PREMISES
(Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 Equal chance gaming, such as bingo and poker, which is played in licensed premises for “money or money’s worth” is unlawful gaming unless the licensing authority has granted a permit for the premises under Section 6 of the Gaming Act 1968. When the Licensing Act 2003 came into force in November 2005, this transferred the authority for Section 6 permits from the Magistrates’ Court to the Council.
- 1.2 The Licensing Section has not yet issued any Section 6 permits but has recently received two enquiries in respect of obtaining such permits. Guidance that the Licensing Section intends to use in respect of applications for Section 6 permits is attached to this report.
- 1.3 The proposal to introduce Section 6 permits is in effect a ‘stop-gap’ to ensure that any equal chance gaming taking place at licensed premises is properly authorised. Any section 6 permits issued will have an expiry date of 31 August 2007, as the legislation in respect of gaming at licensed premises will change when the Gambling Act 2005 comes into force on 1 September 2007.
- 1.4 Under the Gambling Act 2005, equal chance gaming will be permitted in premises with alcohol licences without requiring any specific permission, but it will also be subject to statutory limits on stakes and prizes, prohibitions on any levy or deductions from stakes and prizes and prohibitions on a charge to play. Draft regulations have been published which aim to ensure that such gaming remains low stake and incidental to other activities.

2 RECOMMENDATION(S)

- 2.1 **That the Committee agrees that the Head of Trading Standards and Services be delegated authority to determine applications for Section 6 permits and approve the “Guidance on Section 6 Permits” document attached to this report.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are contained within the report.

Borough Treasurer

- 3.2 The costs will be met within existing budgetary provisions.

Impact Assessment

3.3 Not applicable.

Strategic Risk Management Issues

3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

- 4.1 Only dominoes and cribbage may be played at licensed premises for money or money's worth without a Section 6 permit being granted.
- 4.2 If poker is played without money or prizes then it is not classed as gaming. However, in the case of a 'poker league' where 'points' can be won, the points cannot be exchanged for a prize, as this would amount to money's worth.
- 4.3 Under section 40 of the Gaming Act 1968, poker can be carried out as one of the activities of a private members' club, with certain conditions and limitations.
- 4.4 Restrictions are required in respect of the playing of poker to protect the players and games from unfair or criminal exploitation. Poker is an 'escalating' game, and players may be drawn into risking larger and larger amounts without appreciating the odds of losing.

Background Papers

Guidance on Section 6 Permits

Contact for further information

Laura Driscoll, Licensing Section, 01344 352517
laura.driscoll@bracknell-forest.gov.uk

Doc Ref

Secs\cttes\other\licensing & safety\2007\apr\gaming in licensed premises

GUIDANCE ON SECTION 6 PERMITS

Licensed premises wishing to host the playing of any card game that involves cumulative staking into a "pot" or "kitty" must apply to their licensing authority for a permit under section 6 (3) of the Gaming Act 1968, specifying those games they intend to play.

The premises must be licensed under the Licensing Act 2003 to sell alcohol.

No banker's games may be played (e.g. pontoon, blackjack, roulette), no charges may be made in respect of the gaming, and no levy may be made on stakes or winnings.

Any permitted gaming shall not be for high stakes and shall not constitute an inducement to persons to resort to the premises primarily for the purpose of gaming. As an example, stakes should be limited so that a successful player is able to win on a game an amount comparable to the price of a round of drinks.

Applicants will be required to show, in respect of each premises and in respect of each game, that there is a substantial demand on the part of existing patrons for that game to be permitted on the premises. This is to prevent authorisation for gambling being sought primarily as a means of inducing people to resort to the premises.

Applicants must demonstrate the measures that they intend to take to control the gaming on the premises. (e.g. how they will prevent illegal side betting by spectators?) (The licensee is legally liable in circumstances where their customers break the law, such as players settling up for cash after the game).

A copy of the rules under which any such gaming will be played on the premises must be provided to the Licensing Authority and the Police.

Where evidence of need/control is considered insufficient, the permit will be refused.

The licensing authority will take into account any representations made by the police in deciding any conditions to apply and before making a final decision to grant the permit.

The application will be referred to the Head of Trading Standard and Services for decision, and there will be a right of appeal against refusal to the Licensing Appeals and Representations Panel.