



PopplestonAllen

Gaming machines in pubs

Can I operate gaming machines

Premises with an ‘on’ licence issued under either the Licensing Act 2003 or the Licensing (Scotland) Act 2005 are automatically entitled to make two gaming machines, of either category C or D, available for use, provided that the relevant licensing authority or licensing board (premises in Scotland) is notified.

When can I operate my machines?

Your premises can provide gaming machines if they have a bar at which alcohol is served, as long as any sale of alcohol is not limited to consumption only with food, such as through a restaurant condition.

Gaming machines can be played at any time when alcohol may be sold to customers in reliance on the premises licence (check the permitted hours on your premises licence).

Should you be operating at times not permitted by your premises licence, such as when operating under a temporary event notice for extended hours, all gaming machines must be switched off during the extended period as you are no longer operating under your licence.

How many machines can I have?

Category	Total no. of machines	Authorisation
C or D	2	Notification
C or D	No. specified on permit (e.g. 3 cat C and 2 cat D)	LPGMP (Licensed Premises Gaming Machines Permit)

A Licensed Premises Gaming Machines Permit (LPGMP) allows a specified number of category C and/or D gaming machines within a licensed area.

In principle, any number of machines can be included on this type of permit.

LPGMP's are linked to the premises' alcohol licence and annual maintenance fee of £50 is payable to the Licensing Authority.



Types of gaming machine

Gaming machines are grouped into categories based upon the maximum stake and prize limits permitted.

Category D machines are further broken down based on the type of play and prize available. Many of these style of machines are commonly seen in family friendly arcades, such as crane grab machines and coin/penny fall machines.

Age restriction	Category		Max. stake	Max. prize
18+	Category C		£1	£100
No restriction	Category D:	Money prize	10p	£5
		Non money prize (other than crane grab)	30p	£8
		Mixed money prize and non-money prize (other than coin pusher and penny fall)	30p	
		Crane grab machines (non-money prizes)	£1	£50
		Coin pushers or penny fall (mixed money & non-money)	20p	£20 prize value of which £10 can be cash

Other types of machines

Skill machines, such as quiz games, award prizes wholly based on the skill or knowledge of the player and are therefore not classed as gaming machines.

Location of gaming machines

It is the responsibility of the designated premises supervisor to ensure that all the gaming machines are positioned so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means such as monitored CCTV.

This ensures that under-age individuals do not gain access to age restricted machines and also enables the monitoring of players' behaviour.

Machines operated under a notification or LPGMP can be situated anywhere within the area covered by the premises licence, providing that they are appropriately supervised.

If premises provide a cash machine/ATM on site, all gaming machines must be located away from these machines so that anyone wishing to obtain cash must stop gambling in order to do so.

A common approach is for premises to position age restricted machines (category C) near a bar or other permanently manned position.

Display of information

All gaming machines must display the information listed below, either by way of labelling or contained within the help screens of digital machines:

- Machine category
- Problem gambling resources such as the Gamcare helpline
- Age restriction (category C and above)
- % of return (prize pay-out compared to stakes placed)
- ID plate – serial number (all machines manufactured post 2007)
- Manufacturer/supplier details
- Stake and prize limits

Are there any conditions or rules to follow?

Permit holders should have regard to the Gambling Commission's 'code of practice for gaming machines in clubs and premises with an alcohol licence'. Compliance with the code is the responsibility of the designated premises supervisor or premises manager (Scotland).

Legal requirements & conditions on your permit

Category C machines must only be used by players over the age of 18.

The code of practice attaches the following conditions to a permit, and failure to comply could result in cancellation of the permit:

- The gaming machines must be situated on the premises so that their use can be supervised.

- Permit holders must have in place arrangements for such supervision.
- Gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machines in order to do so.

Best Practice

The code of practice also provides best practice and guidance.

The Gambling Commission considers that the following should be implemented by permit holders:

- Age verification procedures – any individual who appears to be under-age must be asked to provide an acceptable form of photographic identification that states the individual's date of birth is valid and legible and has no signs of tampering or reproduction.
- Procedures for dealing with cases where under-age individuals repeatedly attempt to gamble on age restricted machines (category C). This should include the provision of oral warnings, barring individuals and their parent or other responsible adult, reporting the offence to the Gambling Commission and the police and also providing information regarding problem gambling, where relevant.
- Procedures for dealing with customer complaints and disputes.

In the event that an under-age individual has placed stakes on an age limited gaming machine, stakes should be returned where possible and any winnings withheld.

What happens if a pub breaks the rules?

A gambling commission enforcement officer, police constable or local authority officer may visit the premises to check whether any gaming, including the operation of machines, is being provided and monitored in line with the legal requirements mentioned above. Any failure to ensure that machines are correctly operated could result in enforcement action including:

- Removal of your gaming a permissions either by withdrawing the automatic entitlement under a notification for two machines or by cancelling or varying a licensed premises gaming machines permit;
- Criminal prosecution under the Gambling Act 2005;
- Identification of a failure to promote the licensing objectives under the Licensing Act 2003, in particular the prevention of crime and disorder and/or protection of children from harm, which could result in a review of your alcohol licence by the licensing authority.

PopplestonAllen

From pubs, clubs and restaurants to arcades, casinos and online gaming; some of the biggest operators rely on our legal advice to run their businesses. As do fast growing start-ups and one-off brands.

popall.co.uk

Nottingham: 0115 953 8500

London: 020 3859 7760

Licensing law. We get it.