

NEXSTART

This information has been developed by a cross sector group looking to reduce risk for gambling premises operating during the current pandemic and so ensure the safety of the public, premises staff and officers and provide clarity for all involved.

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Gaming machines in licensed bingo premises and adult gaming centres

Background

Licensed bingo premises (LBP's) and adult gaming centres (AGC's) are entitled to provide the following gaming machines:

- category B3 (maximum stake £2/maximum prize £500) subject to a maximum limit of 20% of the total gaming machines available for use on the premises, **or**
- if the premises licence was in force prior to 13th July 2011, LBP's may provide a maximum of 8 category B3 gaming machines and AGC's may provide a maximum of 4 category B3 gaming machines, **and**
- an unlimited number of category C gaming machines (maximum stake £1/maximum prize £500) and category D gaming machines (maximum stake £1/maximum prize value £50)

Some operators have anticipated that they will have difficulty in complying with the 20% limit and implementation of the social distancing requirements. This note provides a suggested method of compliance which allows the existing provision of category B3 gaming machines to be retained.

The Gambling Act 2005 does not define what 'available for use' means, but the Gambling Commission considers that a gaming machine is available for use if a person can play it.

More than the permitted number of machines may be physically located on a premises, provided the operator has a system in place that ensures no more than the permitted number are available for use at any one time.

In order to facilitate the required 'social distancing' between machine players it has been suggested that it will be necessary to switch off or otherwise incapacitate some machines, in which case those machines will no longer be available for use.

A reduction in the total number of machines that are available for use will reduce the number of category B3 machines allowed on the premises.

Such a reduction may have an adverse effect on the commercial viability of the premises.

Suggested Solution

The requirement to comply with the statutory provisions and promotion of the licensing objectives is the overriding factor.

Nevertheless, applying the considered and pragmatic approach advocated by the Government, we believe that there is a practicable solution to this issue.

In our view, it is possible for the current gaming machine provision in LBC's and AGC's to remain the same (providing that it is compliant with the 20% limit) and those machines can remain switched on and "available for use", provided that the operator implements a management system (signage throughout the venue, notices on machines, booking system, staff supervision) to ensure that customers playing the machines do so in a way that complies with the social distancing measures.

Before reopening, all operators should complete a COVID-19 risk assessment in respect of each individual premises. The assessment will identify any relevant risks created by the business and specify the way in which those risks will be addressed by the operator.

The system of management for gaming machines will be one of the measures implemented to mitigate those risks. Including the practical solution that we have suggested in the management system balances the needs of the business and the protection of the public.

In expressing this view, the group is aware that operators will need to take into account the individual characteristics of each venue (including availability of staff, size and layout of the premises) when assessing the viability of the proposed solution.

Please note that this document does not constitute legal advice but is the group's considered opinion of the matters contained within.