

JOELSON WILSON

THE DIVISION OF GAMBLING PREMISES
UNDER THE GAMBLING ACT 2005

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- The Gambling Act 2005 has introduced a precautionary approach to the regulation of gaming machines, imposing strict limits on the categories and numbers of machines which can be made available for the public to use in various types of gambling premises. Machine categories depend on the stakes and prizes offered and different categories and numbers of machines may be made available in premises depending on their type – casino, betting shop or Adult Gaming Centre, for example.
- One way for operators to increase their machine entitlement is to sub-divide premises and treat each division as a separate “premises” for the purposes of the Act, so that they can provide more machines than one premises licence would allow.
- However, in “hiving off” different parts of what was originally one set of premises in this way, operators need to be careful to make sure that the new arrangements comply with the mandatory conditions on gambling premises licences relating to the access between, and separation of, premises.
- The precise nature of these conditions, again, varies depending on the type of gambling premises concerned. The rules are complex and the current Gambling Commission Guidance on the subject is open to a range of interpretation, with the result that there is little consistency across the country in the way in which licensing authorities treat applications to split premises.
- The Gambling Commission is currently consulting on amplifying the Guidance. It is concerned that some operators are acting unscrupulously in seeking artificially to divide premises and has suggested new criteria that may be introduced come the autumn to determine whether or not two or more gambling premises should properly be considered as “separate”.
- The Commission is also proposing to tighten up the Guidance insofar as it relates to the requirement to actually provide on gambling premises the principal activity, such as bingo or betting, for which the premises licence was granted, something which the Gambling Commission insists upon but which we certainly take issue with and are well-placed to challenge on our clients’ behalf.
- In all of this, the Commission is signalling a determination to clamp down on operators whom they perceive to be seeking in an unscrupulous way to achieve a higher gaming machine entitlement. In order to maximise their machine entitlement in the current climate, it is essential that operators take advice from gaming law specialists with experience of preparing strong applications for premises licences and who are used to conducting discussions and negotiations with licensing and responsible authorities.

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- With lawyers independently recommended for their “*real talent in liaising with authorities, officials and councils*” and “*understanding all the licensing processes to the core*”, we are ideally placed to manage licence and variation applications in such a way as to reduce the risk of representations and maximise the prospects of success.

Need to know more?

Ask us. “*Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...*” – *Chambers Guide to the UK Legal Profession 2008*. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:

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This document is not intended to be a comprehensive review of all developments in the law or practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions.

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