

## Illegal activity

You should report any concerns you may have to your local authority licensing officer or contact the Gambling Commission's confidential intelligence line (0121) 230 6655.

## Enforcement action against illegally sited gaming machines

Local authorities work closely with the Gambling Commission to undertake enforcement operations to deal with owners of premises that illegally make gaming machines available for use.

You may be requested by the local authority to remove any illegally sited gaming machine from your premises, and failure to do so could result in:

- ▶ the gaming machine and its contents being seized
- ▶ prosecution under the Gambling Act
- ▶ sanction by HMRC
- ▶ the incident being reported to the Gambling Commission or Police for further consideration.

Further examples can be found in the **case studies section** of our website.

## Suppliers of gaming machines

Anyone who sells, supplies or leases gaming machines must be licensed with the Gambling Commission.

If the proprietor/manager of a takeaway, cafe, food shop, minicab and taxi office, or non-arcade premises has spoken to a gaming machine supplier, they should have been informed that gaming machines are not permitted in these types of premises.

**If you have any concerns about a supplier or wish to verify that they are licensed by the Gambling Commission you can do so by visiting our website or contact our confidential intelligence line (0121) 230 6655.**

## Illegal siting of gaming machines

GAMBLING  
COMMISSION

RAISING STANDARDS

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[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Making gambling fairer and safer

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A quick guide for small businesses

# Illegal siting of gaming machines – A quick guide for small businesses

You cannot site gaming machines in takeaways, cafes, food shops, minicab and taxi offices, non-arcade and other unlicensed premises

If you own or manage any taxi offices, takeaway food outlets or any other unlicensed premises you cannot site any gaming machines on your premises.

Anyone allowing gaming machines to be used on these premises may be prosecuted under the Gambling Act 2005 with a maximum fine of £5,000 and/or 51 weeks imprisonment (six months in Scotland).



This leaflet provides guidance on the law relating to gaming machines on premises such as takeaways and taxi offices. Anyone found siting gaming machines on these premises could lose their right to trade, be fined or face up to 51 weeks in prison.

## Skill with prizes (SWP) machines

Genuine skill with prizes machines (SWPs) can be sited without permissions. SWPs must not have any mechanism that determines the outcome of the game, such as a compensator or other mechanism that makes the outcome dependent upon chance. A game that contains an element of chance (unless it is so slight that it can reasonably be disregarded) is a gaming machine.

There are no statutory limits in place regulating stakes and prizes for SWPs. However, SWPs offering a maximum prize greater than £50 are unlikely to be commercially viable and are therefore more likely to be gaming machines. It is important to assure yourself that any such machine is not a gaming machine prior to siting it in your premises.

In the past machines have been marketed as SWP machines offering games designed to look like recognised games of chance (such as roulette, bingo or poker). Such machines are gaming machines and cannot be sited as SWPs. For further details on SWPs please see our leaflet: *Is a prize machine a gaming machine?*



## Siting of gaming machines in Great Britain

In order to site gaming machines on premises some form of premises-based authorisation is required from your local authority. In addition an operating licence from the Gambling Commission may also be required.

Further details are available at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

There are three types of premises-based permission, none of which are available for

takeaways, cafes, food shops, minicab and taxi offices, or non-arcade premises:

- ▶ a gambling premises licence from a licensing authority (typically for an adult gaming centre, for bingo, betting)
- ▶ an alcohol premises licence from a licensing authority (typically for a pub, restaurant, club)
- ▶ a gaming machine permit from a licensing authority (typically for clubs)

## How to stay within the law

- ▶ You should ensure that if you are approached to site a gaming machine that you obtain the machine supplier's full contact details and the supplier's Gambling Commission operating licence number.
- ▶ You should be vigilant, ensuring that when you are approached to site a machine being marketed as an SWP machine that you are satisfied that the machine is a genuine SWP and is not a gaming machine.
- ▶ Before siting a machine you should get a written contract from your supplier and ensure that the machine is registered with HM Revenue & Customs (HMRC) for machines games duty.