

Notice of Meeting



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Additional Information for Licensing Sub-Committee

Monday, 9th November, 2020 at 10.00 am

Via Zoom

Date of despatch of Agenda: Wednesday, 04 November 2020

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Moira Fraser on 01635 519045 or moira.fraser@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: Councillors Graham Bridgman, James Cole (Chairman) and Tony Linden

Substitute: Councillor Rick Jones

Agenda

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| | Proposal: Application for Premises Licence Gambling Act 2005, New Bingo | |
| | Location: 11-13 Market Place, Newbury, RG14 5AA | |
| | Applicant: Cashino Gaming Limited | |

Sarah Clarke
Service Director: Strategy and Governance

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



Agenda Item 2(1)

MERKUR SLOTS, 11 – 13 MARKET PLACE, NEWBURY, RG14 5AA

LICENSING SUB-COMMITTEE HEARING

MONDAY 9TH NOVEMBER 2020 AT 10:00

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LICENSING SUB - COMMITTEE HEARING –9TH NOVEMBER 2020

SUPPLEMENTAL STATEMENT – AMANDA KIERNAN

Cashino Gaming Limited

1. Cashino Gaming Limited operates a national estate of over 170 licensed bingo, adult gaming centre and family entertainment centre premises
2. Cashino Gaming Limited is a leading national operator of bingo premises with clear and proactive policies to promote the Gambling Licensing Objectives. We always endeavour to liaise with Responsible Authorities concerning the operation of our premises and pre-consult with the police prior to making new applications.
3. Cashino Gaming Limited has full authority to provide bingo facilities through the grant of an Operating Licence issued by the Gambling Commission, which has approved the measures which Cashino Gaming Limited has put in place to ensure that it implements effective anti-money laundering procedures, security procedures and trades responsibly in accordance with gambling legislation, the Licensing Objectives and the Licence Conditions and Codes of Practice.
4. Cashino Gaming has never had a review of a bingo premises licence.
5. Cashino Gaming Limited holds key positions within the Bingo Association and BACTA (the trade association for the amusement and gaming machine industry in the UK) Executive and Social Responsibility Committees, working closely with these groups to innovate and promote Compliance and Social Responsibility within the industry.
6. Cashino Gaming Limited has 50 Personal Management Licence Holders throughout its Operational structure, all of which are aware of their roles and responsibilities in regard to the Licence Conditions and Codes of Practice (LCCP). Legal obligations are placed upon personal licence holders to promote the Licensing Objectives whilst undertaking their respective duties.
7. Cashino Gaming Limited has appointed a dedicated team of compliance auditors that work independently of the Company's Operations Team to continually assess premises' compliance with the governing legislative standards and Company Policy and Procedure. The Company conducts a minimum of two compliance audits per year in each venue. Audits include Regulatory Compliance, Customer Interaction, Incidents, Self-exclusion breaches and Age Verification records. During the audits, premises staff are tested on their level of knowledge and understanding of all relevant criteria. Venues may be re-visited and any additional training needs addressed. Records of incidents, interactions, self-exclusion breaches and age verification checks are collated on a central hub, which is regularly reviewed and monthly reports are provided to Operations Teams.
8. Cashino Gaming Limited operates a strict marketing and promotional guidelines policy, which has been developed in accordance with the Gambling Commission's Licence Conditions and Codes of Practice and the Advertising Standards Authority's Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP) Codes. A copy of the Company's Marketing Code of Practice is attached (Exhibit AK1).
9. Venue window displays are designed in consideration of premises location, particularly in busy high street areas where Children and Young Persons may pass by, and maintain the Company's focus that all gambling should be carried out in a socially responsible manner. Direct line of sight into premises is blocked by appropriate window displays and

barriers adjacent to entrances, which minimise exposure of underage individuals to ambient gambling.

Relationship with the Responsible Authorities and Interested Parties

10. Cashino Gaming Limited takes its duty to operate safe and Gambling Act 2005 compliant premises seriously. To this end, the Company has always sought to maintain good relations with local police and licensing authority teams.
11. For the purposes of the current application the local Police Licensing team were initially consulted in June 2020.
12. Gary Clark of Thames Valley Police identified that there were some local concerns regarding general crime due to the busy town centre location albeit not associated with any gambling premises. Gary was encouraged that the premises would increase security in the area as a result of the extensive CCTV system that would be operated on site. The police were not aware of any concerns or issues during the premises prior operation under a betting (other) premises licence and did not raise any specific concerns regarding the bingo premises licence proposals. The police licensing team did not identify any concerns of crime or disorder associated with gambling premises.
13. Throughout the 28 day consultation period, none of the Responsible Authorities under the Gambling Act 2005, those of most relevance being the Licensing Authority, local Police, Gambling Commission, Environmental Health and Child Protection teams, have raised any concerns regarding Cashino Gaming Limited's bingo premises licence proposals. None have objected.
14. During the consultation period no trade body or organisation specialising in adult or child vulnerability support have raised any concerns regarding Cashino Gaming Limited's proposals for the new bingo premises.
15. No evidence has been provided to suggest that the grant of the new bingo premises licence would have a detrimental effect on the local population, with particular regard to vulnerability, and Cashino Gaming Limited's detailed policies and procedures are designed to ensure that all gambling in Company premises remains responsible, controlled and that the Licensing Objectives are continually promoted.
16. Cashino Gaming Limited has considered the police licensing team's comments, local police crime statistics and the premises location along with the Council's Statement of Licensing Principles. The Company has also considered the concerns raised by the Interested Parties and an amended local area risk assessment has been provided along with a number of proposed licence conditions.
17. Lines of communication will be maintained with the local police to ensure that local knowledge is continuously shared and that the premises adapt to any emerging risks or local concerns identified.
18. We have identified a number of local providers of vulnerability support services within the local area risk assessment including those that provide support to homeless individuals. Whilst none of those organisations have raised any concerns regarding the current proposals, the Company will contact organisations to offer information regarding responsible play and gambling addiction support services and will invite feedback on any local concerns that can be incorporated into premises training and evaluation.

Cashino Gaming Limited Compliance – Protection of Children and Vulnerable

19. Cashino Gaming Limited was selected by the Gambling Commission as one of the first

top 40 licensees to prepare an annual assurance statement due its size and scale of operation. Annual Assurance Statements enable an annual comprehensive review of the business, completed at Board level, in consideration of the effectiveness of the Company's governance and risk management arrangements designed to facilitate positive consumer protection, address gambling-related harm and crime prevention measures. This process ensures that the highest standards are implemented across the Company's estate from Board through to premises level.

20. In August 2020, Praesepe Limited, Cashino Gaming Limited's parent Company and Cashino Gaming Limited's Merkur brand premises obtained G4 Global Gambling Guidance Group accreditation (Exhibit AK2). G4 is a group of international experts in the field of problem gambling and responsible gambling and accreditation is awarded to responsible operators. Audit reports identified that 'Customer care is of an exemplary standard in all Merkur Venues, regulatory compliance policies and procedures are excellent...and provide a strong foundation for consistent approaches to Responsible Gambling across the (Company's) estate'.
21. Cashino Gaming Limited operates training upon recruitment and then 6-monthly refresher training programmes for all employees. Training modules include 'The Essentials of Compliance and Social Responsibility' which covers the Gambling Act 2005, Licence Conditions and Codes of Practice, the Licensing Objectives under the Gambling Act 2005 and 'Safeguarding Children & Vulnerable People', which focus on assisting staff to recognise and respond to indicative behaviours of potential problem gambling and vulnerability and how to conduct effective customer interaction. Excerpts from the Company's training platform are provided at Exhibit AK3.
22. Cashino Gaming Limited have two National Training Centres where venue teams receive face to face training which includes identifying signs of potential problem gambling and other vulnerabilities such as homelessness. Staff are rigorously trained to take appropriate action, such as where to offer gambling control support including managing time spent playing (time outs), controlling stake limits, providing information on gambling support agencies such as GambleAware, offering participation in the Bingo Association's national self-exclusion scheme and refusing service where deemed necessary
23. Cashino Gaming Limited ensures that all staff continue to promote responsible gambling through customer behaviour observation and interaction. As part of this process, customer play, duration and spend is monitored and customer interactions are triggered to ensure play remains responsible.
24. Following a customer interaction, customers may be offered a variety of self-help measures, where appropriate, such as the Playright App to control and monitor spend and time spent gambling, time outs, information regarding gambling support services and self-exclusion. For customers deemed to be at risk who do not agree to self-exclusion we reserve the right to bar customers, should the need arise.
25. All Cashino Gaming Limited's training and compliance policies and procedures have been audited by the Gambling Commission and comply with the Operating Licence conditions.
26. As part of Cashino Gaming Limited's continuing commitment to high standards of staff training and compliance, the Company has engaged the services of YGAM (Young Gamers & Gamblers Education Trust). The charity is to develop and provide additional training and resources for venue and area managers. Training will be designed to complement our existing face to face training and will be City and Guilds accredited.
27. Cashino Gaming Limited promotes the use of the customer self-help tool called Playright. All venues have the capability for customers to sign up to the App and staff are fully

trained and able to advise on its use. This responsible gambling tool enables customers to set time limits on their machine play. Subject to the customers' set permissions, the system has the ability to send an alert to the venue should the customer enter at a time they have chosen not to gamble. This alert would then trigger a customer interaction.

28. All Cashino Gaming Limited's bingo premises are adult only and operate a strict Challenge 25 policy. Age verification procedures are embedded in Company training platforms and responsible gambling policies. Age verification test purchasing and mystery shopper visits are frequently carried out by third party companies (Check Policy and Store Checker).
29. Extracts of Cashino Gaming Limited's Compliance and Social Responsibility policy have been included with our hearing documentation, which highlight the priority given to responsible gambling and the provision of responsible gambling information to our customers and staff members.

Proposed site location

30. An amended, detailed local area risk assessment has been submitted designed in consideration of West Berkshire Council's Statement of Principles under the Gambling Act 2005 (2019-2022), local crime statistics, local demographics and establishments that may impact on potential customer vulnerability and local crime and disorder.
31. Cashino Gaming Limited operates in many high street and other locations, which are subject to potentially higher levels of footfall from Children and Young Persons. Staff training and company policy is designed to mitigate the potential risk of underage gambling and exposure to ambient gambling.
32. Potential risks identified by analysis of local area vulnerability statistics have been incorporated in to the premises' local area risk assessment.
33. It is rare for our premises to be associated with anti-social behaviour or crime and disorder but our staff training procedures and security measures, including external CCTV, are designed to monitor customer behaviour and external areas for anti-social behaviour. Company policy ensures that appropriate steps are taken to minimise any risks and we record and report any incidents or concerns to Company management, for internal review and assessment, and local authorities.
34. All staff training is developed to consider local area characteristics and Merkur Slots operates on the basis that its controls and best practice are adopted at all times. Cashino Gaming Limited's training scheme and control systems are proven to be effective across the Company's licensed estate but local premises management will always work with any local authorities, other authorities, trade groups and vulnerability support services to reinforce any local concerns and identify any emerging local risks within premises' training and operation.
35. The representations received raise potential concerns regarding homeless and vulnerable adults in the vicinity of the premises and the potential for increased anti-social behaviour and crime and disorder should the Licensing Sub-Committee be minded to grant the current application. Cashino Gaming Limited has completed an updated, detailed local area risk assessment, reviewed local area statistics and demographics, and consulted with the local police licensing team in order to effectively identify any potential risks to the proposed operation. Cashino Gaming Limited will implement robust security policies and procedures to monitor customer behaviour both within the premises and immediately outside the venue, refuse service to individuals who may be under the influence of alcohol or drugs and work in partnership with the local police in the unlikely event that any incidents of crime or disorder occur. The Company's detailed training procedures and evaluation tools have been designed to mitigate any local risk to the

Licensing Objectives, with a particular focus on the protection of children and the vulnerable from harms associated with gambling. Having considered the concerns raised, Cashino Gaming Limited has proposed a number of licence conditions to further mitigate any perceived risk.

36. Due to the nature of the gaming that is provided at Cashino Gaming Limited venues, it is rare for customers to congregate outside, unlike betting premises, as there is no ongoing entertainment such as a sporting event. It is also rare for our venues to have significant customer numbers at any one time and customer dispersal rarely causes concerns to our local neighbors. However, in consideration of the concerns raised by the Interested Parties, Cashino Gaming Limited has prepared an Operational Management Plan, which includes details of customer signage and the premises approach to customer dispersal.

Premises Operation

37. The premises will be managed by an experienced shop manager who will in turn be supported by a complement of staff who will all have received the comprehensive level of training appropriate to their specific role. Training focuses on the promotion of the Licensing Objectives and a copy our Policies and Procedures has been provided as part of our hearing bundle.
38. The Merkur Slots premises layout has been developed to facilitate customer observation and all staff members provide regular sweeps of the premises to ensure positive engagement with our customers and facilitate continuous observation and customer interaction.
39. Merkur Slots staff members are not restricted to counter positions that may be found in other licensed venues, such as betting premises. Our staff are actively encouraged to move throughout the premises and proactively engage with all customers, particularly on entry, not only to implement our Challenge 25 policy, but to build customer relationships and ensure effective identification of potentially vulnerable individuals.
40. All Cashino Gaming Limited's staff members actively monitor and manage the area immediately outside their premises and record all incidents should they occur. Reporting lines are set up with local police teams to ensure that any potential local issues are identified and addressed.
41. All Cashino Gaming Limited premises operate extensive CCTV throughout customer facing areas and also external areas to assist with monitoring customer behaviour and that of other individuals in the immediate vicinity of the premises. CCTV displays are appropriately situated to ensure that all customer areas are monitored.
42. It is very rare for our premises to employ dedicated SIA registered door staff as in our experience this almost never necessary. We do not have SIA conditions on any of our bingo premises licences. However, staff numbers and rotas are continuously reviewed to adapt to customer numbers and cognisance is taken of police advice should any particular local concerns be identified. At present, the local police licensing team has not identified any particular concerns regarding crime and disorder in the vicinity of the proposed venue or its association with existing licensed gambling venues.
43. Cashino Gaming Limited premises are willing to actively participate in a local area Betwatch scheme, should it be setup in the future. This ensures that a partnership approach is taken, engaging with local residents, gambling operators, the alcohol licensed trade, other businesses and Responsible Authorities to assist with the identification and management of any local issues, which may not necessarily relate to gambling premises.

Conclusion

44. The business of Cashino Gaming Limited is the provision of safe and pleasant gaming environments. It remains crucial to the business that customers feel safe and welcome in Merkur bingo premises. This principle is fundamental to Company management strategy from head office to premises level. It is a principle which as a company we have achieved in all of our venues, which provide safe, welcoming and congenial environments for our customers.
45. In the rare case that issues do arise, the resources and commitment are in place to ensure that they are speedily resolved. For obvious reasons, Cashino Gaming Limited does not wish to run licensed venues which cause regulatory issues, and the Company devotes a great deal of time and resources to ensuring that there are none.
46. In my experience a good manager and their team will know regular customers well and new customers will always attract raised awareness.
47. In my experience I can state that it is rare for bingo premises to be the cause of, or otherwise associated with, crime, disorder or nuisance to nearby premises due to the nature of our gaming premises and our customer base.
48. Cashino Gaming Limited continues to take very seriously any issue which its presence creates, both out of respect for the local community and because its licence and commercial reputation depends upon it.

Ms Amanda Kiernan, Head of Compliance, Cashino Gaming Limited

Date: 2nd November 2020

MARKETING CODE of PRACTICE

A guide to getting our advertising and promotions right – every time !

The Marketing Department provides an annual programme of National promotions activity. All these communications and point-of-sale/display materials are legally compliant and present our customers with a fair and professionally managed image of a responsible gaming provider. HOWEVER, occasionally 'local' activity may need to be arranged by YOU – so use this guide to ensure your activity meets our code by always being...

LEGAL - DECENT - HONEST - TRUTHFUL

1. All our advertising and promotions must be legally compliant and **MUST NOT** be misleading or indecent 
2. All our advertising and promotions must be socially responsible and **NOT** promote gambling for financial gain 
3. All our advertising and promotions must be **TRANSPARENT** and clearly state the offer and any requirements or conditions applied to obtaining it 
4. Any terms or conditions related to the offer, including offer end dates **MUST BE** displayed clearly at the point-of-sale and/or on any related printed literature or publicity materials 
5. Any printed literature, display or point-of-sale material **MUST** contain the company's approved compliance baseline (see example below) which includes the over 18 symbol and Gamble Responsibly statement alongside your business name, brand/logo 
6. Advertising and promotions **MUST NOT** be targeted at, or exploit children, or those vulnerable to gambling. The law states :
Advertisements and Promotions should not be specifically and intentionally targeted towards people under the age of 18 through the selection of media, style of presentation, content or context in which they appear. All advertisers and gambling operators should already be aware that it is an offence under Section 46 of the Gambling Act 2005 to invite a child or young person to gamble.   
7. The use of models, photographic images or illustrations in advertising or promotions must look a minimum of 25 years of age 
8. **DO NOT** make purchase a condition of entry into a draw or raffle – buying a 'chance' of winning is a lottery, so always state **NO PURCHASE NECESSARY** (even if for charitable causes) 
9. **DO NOT** present offers which reward extended play or incentivise disproportionate stake levels 
10. **ALWAYS** communicate offers clearly in grammatically correct English, avoiding slang, expletives or abusive text. Avoid anything customers could perceive as offensive or discriminatory and remember the 4 key code words : 

SHORTEST SKIRT
GUARANTEES WIN!

PLAY THIS & DOUBLE
YOUR MONEY

YOU WILL WIN
A FORTUNE!
(no terms or conditions)

BEST BEFORE
END 2020

OVER **18** ONLY



18

THINK **25** +

FREE TO
ENTER?

PLAY LONGER
WIN MORE

LEGAL - DECENT - HONEST - TRUTHFUL

IMPORTANT: If you are unclear or unsure whether your local activity complies with this code, please firstly consult or present your proposals to the Marketing Department on: 07880 570585 (Simon Coombes) - 07584 706892 (Sharon Lewis) - 07557 561795 (Jay Bhatti)



BeGambleAware.org®

PLAY
SENSIBLY

PLAY
ENJOYABLY

PLAY
AFFORDABLY

INTERNATIONAL CERTIFICATE OF ACCREDITATION



GLOBAL GAMBLING GUIDANCE GROUP

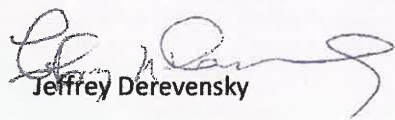
In accordance with the responsible
gaming policies, procedures and
standards set by the Global
Gambling Guidance Group (G4),
Amsterdam, the Netherlands,
accreditation is hereby granted to:

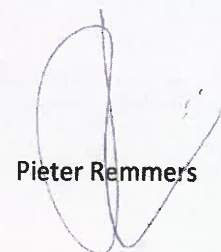
Praesepe Group
Merkur Slots, Merkur Cashino & Beacon Bingo

audit dates: 5 – 10 August 2020

Certificate Number: EG - 00120
Original Approval: 10 August 2020
Current Certificate: 10 August 2020
Certificate Expiry: 10 August 2023

On behalf of the G4 Foundation:


Jeffrey Derevensky


Pieter Remmers

Vincit qui se vincit



by Praesepe Training

(Excerpts from training platform – six monthly refresher training)

Safeguarding Children & Vulnerable People

Our suite of Compliance training seeks to ensure you understand the Gambling Act and its 3 main objectives and that you follow the businesses defined processes to ensure we operate within the law.

Within the Gambling Act we have a duty to protect children and vulnerable people.

Safeguarding is the responsibility of everyone in our business and this session explains why its so important and how you can play your part.

What is Safeguarding *(Lesson 1)*

Safeguarding is a term usually associated with children; it makes us think about the protection of children, social services, abuse and the mistreatment of children. As a socially responsible operator, Praesepe and its operating businesses take a different view on Safeguarding and what it means:

The term actually means:

something that serves as a protection or defence or that ensures safety

For most of our customers gambling is an enjoyable hobby and a social event, however; we must be aware of players that may become addicted to gambling.

When a Customers gaming changes from enjoyment/social to a problem or addiction we **MUST** safeguard. Safeguarding is very much an action required within our business.

We should:

- ✓ Train staff on how to recognise and respond to indicators of concern
- ✓ Train staff to know how to protect their own safety if customers behave aggressively
- ✓ Make information and advice about gambling responsibly generally and discretely available, and provide contact details about where to get help
- ✓ Interact with customers to spot warning signs of a problem
- ✓ Offer/explain the Play Right App to help control time spent playing
- ✓ If the customer opts to self exclude make sure you provide the right information and follow the process for self exclusion (detailed in Compliance training)
- ✓ Encourage customers to register or become members so we have a point of contact

Children *(Lesson 2)*

The protection of children is vitally important to us as a business. We have a separate and detailed training module dedicated to this area (Age Verification) as well as the Essentials of Compliance training.

The Challenge 25 scheme

MUST be operated by ALL staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards)



Signage **MUST BE** prominently displayed at all points of entry regarding the prohibition of under 18's



Signage **MUST BE** displayed on machines highlighting age restrictions



Vulnerable People *(Lesson 3)*

The **Gambling Commission** puts a high priority on the social responsibilities operators have to **protect** vulnerable adults from the harm associated with gambling and policies must be in place to support the protection of vulnerable adults.

It's is not possible to tell who is at risk by looking at them. Most customers are **in control and enjoy the **social** element of gambling**

Safeguarding means we have to look a little deeper and think about **those at risk of developing a problem.**

It's about the **signs and signals we **see and hear** whilst our customers are in our premises.**

Social responsibility/Safeguarding is about using your eyes and ears to understand who is vulnerable.

Click on the + signs to understand more about those people at risk:

Risks Factors: Developing a problem



Risk Factors: Impact



Managing The Risks



The Stages of Change (Lesson 4)

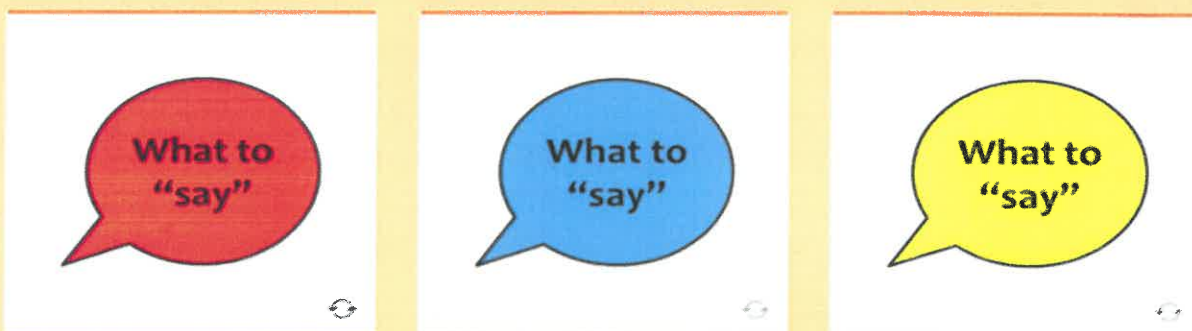
Gambling becomes a problem when people are not in control. Staying in control is vitally important and is the ethos we at Cashino & Beacon all work too.

When someone starts to change their gambling behaviour, there are often different stages of awareness that they move through. These include:

Stage One - No problem	+
State Two - Awareness	+
Stage 3 - Wanting to Make a Change	+
Stage 4 - Take Action	+
Stage 5 - Sticking to it	+
Stage 6 - Final Stage - Self Exclusion	+

Often the person who's gambling doesn't think that he or she has a problem; they don't see the subtle changes. Sometimes **YOU** will spot the problem first, because the customer might be convincing him/herself that everything is fine when really it isn't. It's important to use positive communication rather than being confrontational or critical. It's also important to be genuine and talk to the customer in a natural way.

For example:



Once you've started the conversation, listen carefully to what they have to say in response and be patient. Don't jump in or cut them off mid sentence, as this might drive them back into their shell or make them turn defensive. Being calm and caring is really important as is knowing what advice and support we can offer

Ultimately we as a business have a responsibility

Taking Action (Lesson 5/Observation module 6)

As a business we have several processes and tools in place to ensure we are promoting responsible gambling. These include:

- 1 Think 25 Policy
- 2 PlayRight App
- 3 Gamcare Information and Leaflets
- 4 Complaints Procedure and ADR (Alternative Dispute Resolution)
- 5 Responsible advertising
- 6 Self Exclusion Policy and Process
- 7 and most importantly - **YOU; OUR EMPLOYEES**

These processes and interventions only work if our employees know and understand them and to ensure you do we have the following training modules which refresh every 6 months to keep you up to date and trained to the latest standards



The Essentials of Compliance and Social Responsibility - Casino

Compliance booklet
Available fully online Jan 2018



Age Verification

Age Verification Training Online



The Essentials of Compliance and Social Responsibility - Beacon

Compliance booklet
Available fully online Jan 2018



PlayRIGHT

Playright available online
for live venues

Dealing with Anger & Aggression (Lesson 7)

It is true that when Customers start to lose control of their gambling they may become agitated or upset and get angry and perhaps become confrontational; remember - this is a sign of a problem and rather than ignore it we have to deal with the situation and help the customers.

Things to avoid:

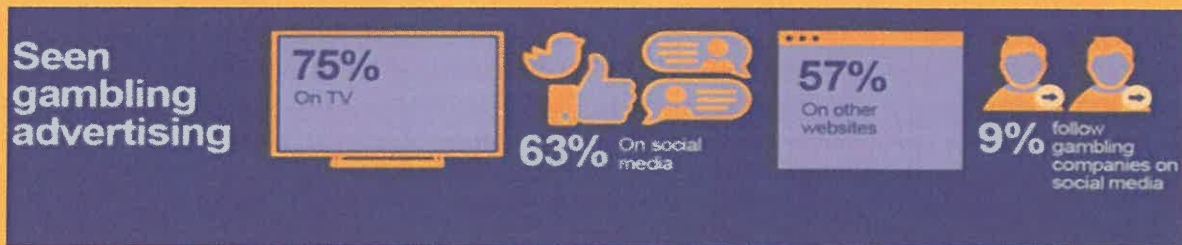
- Do not make threats you cannot carry through, such as threatening to remove the person.
- Do not be defensive or take it personally. What is being said may seem insulting and directed at you, but this is not really about you.
- Do not use humour unless you are sure it will help and you have a very good relationship with the customer
- Do not use sarcasm or humiliate the customer
- Do not put yourself at risk; use [staffguard](#) if you are alone and feel vulnerable

Advertising Responsibly (Lesson 8)

Whilst we do all we can to safeguard children and vulnerable people in our premises; we need to be aware of the messages that are reaching them outside of venues and clubs

Earlier we referred to the research on underage gambling undertaken on behalf of the Gambling Commission. In terms of advertising the figures are far reaching

(click to enlarge):



% of 11 - 15 year olds seeing promotional materials/advertising

When we run promotions locally we must adhere to the marketing code of conduct to ensure that we are safeguarding children and vulnerable people when we promote and advertise our business. Please read the code of conduct attached below. This is available as a printable poster in Knowledge base.

 Marketing Code of Practice 2018.pdf

GamCare/Support (Lesson 9)

Our role is to be **aware** and provide **support** to any customer at risk. The industry has strong links to **organisations** that can help anyone who **thinks** they have a **problem with gambling**. It is our duty to provide this information readily and freely:



Every Venue and Club has Staying in Control Leaflets

Make sure you know where they are, the information in them and do not hesitate to share this information with customers who feel they need to make a change.

It's our responsibility to provide this information and support customers in their decision making

Behaviours Quiz (Lesson 10)

Lesson 10 of 11

Behaviours



What behaviours should YOU our employees adopt in order to safeguard?

Look at the words on each card. Each word describes either a positive behaviour and is what we should be doing or a negative behaviour and what we should NOT be doing.

THINK 25

LISTEN

NEGATIVE BEHAVIOURS

ifeguarding
Safeguarding Children & Vulnerable People

Safeguarding
Children &
Vulnerable People

You have completed Part 1: Training
You now need to complete Part 2;
Knowledge Check

REMEMBER:

- **Listen, Observe, Interact and Break Play**
- **Follow the Think 25 policy**
- **Provide support and information to Customers at Risk**
- **Be Gamble Aware**

Let's all do our bit to be Socially Responsible

Please now complete Part 2 - Knowledge Check in order to finish your training

LICENSING SUB-COMMITTEE HEARING – 9TH NOVEMBER 2020

SUPPLEMENTAL STATEMENT - ANDY TIPPLE

Cashino Gaming Limited

1. Cashino Gaming Limited has reviewed the concerns raised by the Interested Parties and has prepared an amended, detailed local area risk assessment designed to identify all potential local risks and the measures that will be implemented to mitigate those risks.
2. In consideration of the concerns raised by the Interested Parties Cashino Gaming Limited has proposed a number of additional premises licence conditions.
3. The Company is committed to working in partnership with local Responsible Authorities and local groups, including those providing support services to vulnerable individuals. Whilst no such groups have raised any concerns regarding the Merkur Slots bingo premises proposals, the Company will contact local organisations to provide information regarding responsible play and self-help tools, and also request any information regarding any relevant or emerging matters which can then be incorporated, as appropriate, in our site protocols and training.
4. Cashino Gaming Limited operates 90 'High Street Bingo' premises, 5 bingo clubs, 5 Family Entertainment Centres and 87 Adult Gaming Centres throughout Great Britain.
5. The development of High Street Bingo has occurred because customers are decreasingly interested in attending large, sub-regional bingo halls and, even when they do, increasingly wish to play bingo with an electronic terminal rather than marking numbers off a card. Accordingly the High Street Bingo model has evolved, with a customer offer of live and automated bingo played on terminals together with gaming machines in accordance with the permission provided by a bingo premises licence.
6. The governing legislation provides strict limits on the types of gaming machines that may be made available in bingo premises, which is the same as that permitted in licensed Adult Gaming Centres.
7. Cashino Gaming Limited premises do not operate Fixed Odds Betting Terminals (FOBTs/category B2 gaming machines) unlike licensed betting premises.
8. High Street Bingo premises operate a combination of category B3 and C gaming terminals with stakes ranging from 10p through to £2.
9. Across Cashino Gaming Limited's venues the average stake placed is between 30p and 40p. Only 20% of the machines may be category B3s. The remainder – the category C machines, have the same stake and prize levels as those offered in pubs.
10. Merkur Slots Newbury will not operate 'infill' gaming machines.

11. All Cashino Gaming Limited premises are sufficiently staffed to ensure effective implementation of the Company's Think 25 policy and all staff are fully trained on the three Licensing Objectives under the Gambling Act 2005, with particular focus on the protection of vulnerable persons from being harmed or exploited by gambling. Full written details of the training and the Company's operating procedures have been provided in the bundle.

Mr Andy Tipple, Head of Product, Cashino Gaming Limited

Date: 3rd November 2020

LICENSING SUB - COMMITTEE HEARING – 9TH NOVEMBER 2020

SUPPLEMENTAL STATEMENT – STEVE AMBROSE

1. I am the Operations Director for Praesepe having held this position since December 2016 responsible for all day to day operations across our estate of Adult Gaming Centres, High Street Bingo premises and Bingo Halls.
2. I am a Director of the Bingo Trade Association "The Bingo Association" and the Vice Chairman of the Amusement Trade Association "BACTA" covering Adult Gaming Centres across Great Britain.
3. I started in the Gaming Industry in 1992 and have held a multitude of positions ranging from Customer Service Assistant right up to my present position of Operations Director, this experience has enabled me to gain an understanding of the complexities of operating in gaming businesses both big and small, rural and city centre
4. Through my years of working in the gambling industry I can state categorically that it is rare for Cashino Gaming Limited's venues, and specifically its high street bingo premises, to be associated with anti-social behavior or local nuisance.
5. Whilst I appreciate this may be different to perceived risks that may be associated with other licensed gambling venues, such as betting premises, I believe this is a reflection of the type of gaming operated by Cashino Gaming Limited and its customer demographic, which is approximately 50% female with an average age of over 30.
6. Due to the nature of the gaming services provided at our high street bingo venues, customers do not congregate outside our venues, unlike betting premises that may show sporting events over long periods of time. In our high street venues there is no 'event' taking place.
7. Across the high street bingo estate average customer numbers at any one time remains relatively low, in single figures, and customer numbers between 5 and 10 at any one time would be considered an exceptionally busy period.
8. All our venues operate CCTV throughout, which is designed to not only assist with monitoring all customer facing areas but to cover the area immediately in front of our venues, which provides additional security in the high street areas in which we operate.
9. Our venue teams seek to form genuine relationships with local police, town centre groups and Betwatch or Pubwatch schemes should they be available. Our staff are proud of the areas in which they live and work and don't wish to see any level of anti-social behaviour.
10. We set out to provide a comfortable and convivial atmosphere. Our premises are carpeted, well-appointed and spotlessly clean. Our staff are smart and friendly. They are not positioned behind a counter, but are present on the trading floor, circulating and interacting with customers and offering tea and snacks.
11. Staff levels are continually risk assessed to ensure that sufficient numbers are maintained to not only enable effective premises management but to also ensure that customers can be continually monitored and assisted where necessary.
12. Customer monitoring, interaction and any incidents including implementation of our Challenge 25 policy are recorded on electronic IHL tablets. This technology enables all recording to be logged whilst staff are present in customer facing areas and it is rare for staff to be called away to back office areas during their shifts. IHL tablets are linked through a central system so that Cashino Gaming Limited's independent audit team can regularly monitor all records.

13. The Company's audit department collate and evaluate monthly reports on venue operations and management to allow continued assessment of operational compliance, including monitoring self-exclusions, under-age checks and any untoward behaviour. The monitoring process allows venues to adapt to any emerging risks and staff training requirements.
14. Our venues operate a ticket in ticket out system, which minimises the need for cash handling on site during opening hours. We also operate time delay safes to ensure that access to cash is minimised.
15. Venues are equipped with our staff guard system. The system allows direct communication with a central monitoring station through audio and CCTV. The central monitoring station would then contact the relevant emergency services in case of incident.
16. All of these features mean that are premises provide safe and congenial environments and do not impact on their localities. This is generally understood by responsible authorities. In my experience, while concerns are sometimes expressed by local residents about such impacts when applications are made, such concerns vanish once premises actually open.

Mr Steve Ambrose, Operations Director, Cashino Gaming Limited

Date: 2nd November 2020

WITNESS STATEMENT

(CJ Act 1967. s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

Statement of: Darrell John Butterworth

Age if under 18: Over 18

Occupation: Licensing and Security
Compliance Manager

(if over 18 insert "over 18")

This statement (consisting of 12 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 2nd November 2020

Signature: *D J Butterworth*

1. My name is Darrell John Butterworth and I currently operate as a self-employed Licensing and Security Authority Compliance Consultant. I have conducted this business since creating a company, Edmund Locard Licensing and Security Solutions, on the 1st January 2011. I make this statement in relation to an application for a Premises Licence by Merkur Slots at 11-13 Market Place Newbury RG14 5AA ("The Venue").

Experience

2. Prior to taking up this role with Edmund Locard Ltd I completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles. The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.
3. During the period as the Force Licensing Inspector I was responsible for the good conduct and compliance of premises operating under a variety of licences including outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates Court hearings, Crown Court Appeals, The High Court, The Court of Appeal and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level.

Signature *D J Butterworth*

4. Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection I became secretariat to the ACPO National Licensing officers' group and National Licensing Forum (NLF).
5. During my time in charge of the Licensing Unit I worked very closely with David Thornton, the local Gambling Commission Inspector, conducting joint operations on both legal and illegal gaming establishments.
6. In 2006 on leaving the Central Licensing Unit I received a Chief Officers Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003 and Gambling Act 2005.
7. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. This involved the supervision of over 50 police officers, community support officers and civilian support staff. Within my role as a Neighbourhood Policing Team Inspector I was required to conduct analysis of crime and incident trends to ensure that resources and tactics were deployed appropriately. The outcome of this analysis ensured that resources were deployed in the right numbers, in the right areas at the right time. On a monthly basis I also presented these statistics to the town's multi agency tasking group to ensure all agencies had the relevant information on crime trends.
8. In recent months I have continued my professional development regarding licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors course. This enabled me to successfully apply for a Personal Licence and become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the BII enabling me to carry out training in the award for responsible alcohol retailing and award for personal licence holders. In October 2018 I attended a training course on Licensing Hearings and Appeals and in November 2019 I attended a seminar for Licensing Consultants
9. In March 2013 I spent 3 days in the London Borough of Newham visiting 111 different betting shop premises to observe customer usage and monitoring their compliance with the Gambling Objectives. In April 2013 I spent 7 days in

Signature *D J Butterworth*

the London Borough of Newham visiting 109 different betting shop premises to observe customer usage and monitoring their compliance with the Gambling Objectives. In May 2013 I spent 5 days in the London Boroughs of Brent and Haringey visiting 174 different betting shop premises and monitoring customer usage and their compliance with the Gambling Objectives.

10. In November 2013 I spent 2 days in the London Borough of Newham visiting 13 betting shop premises to observe customer usage and their compliance with the Licensing Objectives. In December 2013 I spent 4 days in the London Borough of Newham visiting 24 different betting shop premises to observe customer usage and their compliance with the Licensing Objectives. In April 2014 I lived in the Haringey area of London for a four-day period visiting several betting shop premises and conducting observations on criminal and antisocial behaviour.
11. In August 2018 I spent a day in the London Boroughs of Camden, Tottenham and Kilburn visiting venues operated as Adult Gaming Centres. In these areas similar concerns had been raised by local councillors and the Public Health Authority that the venues would lead to increased crime and disorder in the area and vulnerable people would be adversely affected. Whilst conducting these visits I did not observe any of the issues raised in the representations submitted in respect of that application.
12. In August 2020 I spent two days in the Rochdale and Droylsden suburbs of Manchester, conducting observations. The application subject of those observations received a number of representations from church leaders, residents and local councillors regarding the deprivation in the locality of the proposed venue, crime and disorder and the locality being located near to other gambling type and alcohol led premises. During my observations I found no evidence to support these representations and the licence was granted following a hearing.
13. In September 2020 I spent two days in the Harehills area of Leeds conducting observations in respect of an application for a new Gambling Premises licence. The Harehills area is one of the most socially deprived in the City and is prominent in many of the indices used to measure social deprivation. In the same month I also attended the High Road, Tottenham visiting an Adult Gaming Centre and 4 betting offices.
14. In October 2020 I spent two days in Blackpool conducting observations in respect of an application for a new gambling premises licence. Already in the area were 3 adult gaming centres and 3 betting shops.

Signature *D J Butterworth*

15. Also, in October 2020 I attended a zoom conference aimed at Licensing Consultants, Police officers, and local authorities when updates were given on amendments to the Gambling Act and amended guidance from the Gambling Commission.
16. In addition to acting on behalf of operators I have also conducted observations on behalf of residents and in September 2017 I conducted 2 days of investigations on behalf of the London Borough of Camden. It is important to stress that when conducting my observations, I act totally independently of those instructing me and record accurately what I observe. To ensure that my visits accurately reflect the true situation I always insist that local operators are not made aware of my visits taking place. I am informed by those instructing me that this was the case for the current investigation.

Terms of reference

17. I have been requested by Richard Bradley of Poppleston Allen solicitors to investigate a new Gaming Premises Licence application at 11-13 Market Place Newbury RG14 5AA. The application has received representations from several interested parties, and the following terms of reference for the investigation have been agreed with those instructing me.
 - i. To visit the areas of the proposed site and conduct observations to verify the veracity, or otherwise of the statements made within the representations.
 - ii. To visit similar locations where Merkur Slots currently operate licences to assess the impact of those venues on the local communities.
 - iii. To analyse the current crime trends in the area to see what impact the existing premises have on Crime and Disorder.

18. To address my investigations to the matters of concern I have seen and read the application, representations submitted and area impact assessment report. I ascertained that representations had been made on the following grounds:

- Crime and disorder.
- Anti-social behaviour
- Protection of vulnerable people

Crime and Disorder

19. In my experience, it is unusual for an application to receive representations based on current crime, disorder or anti-social behaviour, or anticipated issues likely to be created by the granting of a licence without an objection from the local neighbourhood policing team. None of the representations that have been submitted seek to criticise the operator or the way they operate

Signature *D J Butterworth*

other venues in other more challenging locations. The representations appear to be about the area and local community in which the proposed premises are located. However, no evidence has been provided to show that the current Gaming Centres operated on Northbrook Street creates any of the issues raised to the current application.

20. In my experience the crime, disorder and anti-social behaviour issues created from premises licensed as high street Bingo premises are much lower than those created from a licence granted to a betting office. There are several reasons for this, including the fact that people tend to go to high street Bingo premises on their own or in small numbers. Other than playing the machines there is no event taking place for customers to engage with each other, nor use the venues as a social meeting place.
21. The staff employed at high street Bingo premises are not engaged or distracted by taking or paying out on bets so they can spend more time on the “shop floor” observing customer behaviour and resolving any low level issues before they can escalate. The general environment of high street Bingo premises is also generally cleaner and tidier than an ordinary bookmakers as there are no need for betting slips, newspapers and pens which often get discarded on the floor.
22. As a result of this less intimidating environment many of the managers of high street Bingo premises are female and this was certainly the case in the similar venues I have visited. A further difference between high street Bingo premises and traditional betting offices are people tend to spend less time at a venue on each visit. They do not wait around the venue for an event to start or to finish. As a result of this, customers of high street Bingo premises do not tend to loiter at a premises other than when playing the machines and do not smoke at the front of the venue between events taking place. I did not observe any issues regarding customers congregating outside the Gaming Centres observed during this period of observations
23. As a result of the representations made regarding the area subject to the application, and that there appeared to be no criticism regarding the manner that the applicant operated elsewhere, I decided to visit the area of the current application and Rochdale where the applicant currently operates a bingo Centre, an area which I believe is more socially deprived than Newbury and equally as challenging to operate gambling premises in as the Market Place location.

Friday 14th August 2020

Merkur Slots Yorkshire Street Rochdale

Signature *D J Butterworth*

24. My observation commenced in the Yorkshire Street area of Rochdale from 12:30 pm and concluded at 14:50 that day. The Rochdale location was chosen as I have resided in the town all my life. I was also stationed as an Inspector on the Rochdale division from 1996-1998 and 2006-2010. I was aware that a Gaming Premises had been at this location for over 30 years and during my time as an Inspector I am unaware of any problems being raised by its presence.
25. As well as having a local knowledge of the area, in 2019 Rochdale town centre was deemed to be the most deprived area in Greater Manchester and 31stth most deprived area in the country.
Latest government figures show the LSOA (Lower-layer Super Output Area) which includes Rochdale town centre and parts of the neighbouring estates of College Bank and Lower Falinge is the 31st most deprived place in England.
26. On arrival on Yorkshire Street I noticed the regular presence of groups of street drinkers and a male sat on an old blanket begging. I photographed the Merkur Slots venue (exhibit reference letter DJB 1 refers). The unit advertised as being open 24/7. I then looked around the area for signs of local authority-controlled CCTV cameras which are often located in areas of high crime and disorder. One such dome camera was located immediately outside the premises at the junction of Yorkshire Street and New Bailey Street.
27. I then looked around the area for signs of residential accommodation which I could not find in the immediate vicinity. Two other gambling machine premises were located at 55 (LeisureTime) and 88 (Admiral) Yorkshire Street. A pawn brokers (H & T) was located opposite, William Hill next door but one, and Paddy Power and Betfred bookmakers diagonally opposite.
28. The nearest educational establishment was the Rochdale sixth form college on St Mary's gate and the nearest religious building was the parish church of St Mary located in the Baum. The Regal Moon Weatherspoon's and Roebuck public houses were within 50 metres of the premises.
29. At 1244 I observed a dishevelled looking male searching through the rubbish bins on Yorkshire Street. 1 person was betting in Betfred, 9 customers in Paddy Power and 8 customers in William Hill. I then entered the Merkur Slots venue where 4 customers, wearing face masks were using the machines. A male and female member of staff were present, and I noted signage containing the Gambling Premises Licence, Challenge 25, responsible gambling and No alcohol. Face covering was mandatory and hand sanitisers were positioned in several locations around the premises. I later returned to the venue and took a photograph of the signage (exhibit reference DJB 2 refers).

Signature *D J Butterworth*

30. I then visited the LeisureTime and Admiral premises. LeisureTime was advertised as opening from 0830 till late and had 11 customers. Admiral was advertised as opening until 11pm and did not have any customers inside. I then visited the Regal Moon public house which had approximately 90 customers, the majority of whom appeared to be consuming intoxicants.
31. I then positioned myself opposite the front of the Merkur Slots machine and conducted observations on the patrons entering and leaving and the passing pedestrians. Without exception the passing pedestrians appeared to be indifferent to the presence of the gambling premises. Customers entering and leaving the premises appeared to be aged 30+ and was 50% male and female. None of the street drinkers or beggars went near the premises, attempted to enter or harassed the customers entering or leaving. Between 1315 and 1330 315 people passed along Yorkshire Street past the front of the premises.
32. At 1333 two Rochdale Council refuse collectors entered the Merkur Slots premises and exited a few minutes later holding mugs of tea which they drank whilst enjoying the afternoon sunshine. At 1354 two males sat on the public benches opposite the shop and talked in loud voices about football and horse bets that they had put on.
33. At 1418 a male aged approx. 27 asks one of the males sat on the bench for a rizzla paper which is handed over. Neither of the males were customers of Merkur Slots. Between 1415 and 1430 407 pedestrians walk past the shop
34. At 1433 there were 4 customers in Betfred, 8 in Paddy Power and 5 in Merkur Slots. I then identified myself to the two members of staff in Merkur Slots to make a more detailed assessment of the unit. Both members of staff wore ID badges and a challenge 25 pin badge. They did not feel that the premises were an intimidating place to work and infrequently they had to ask customers to prove their age. At 1448 I then left the premises and revisited William Hill (9 customers), LeisureTime (12 customers) and Admiral (2 customers and two female members of staff). I then ceased my observations.

Liverpool Airport (Airside Departure Lounge)

35. On Friday 28th August 2020 I was travelling via Liverpool airport when I noted a gaming machine premises located in the airside departure lounge. The venue was in an adjoining unit to a children's play centre but did not appear to attract any attention from the young travellers passing through the airport. I took a photograph of the locality (exhibit reference DJB 3 refers). I have also seen similar set ups at other airports and in motorway service areas. The siting of these units does not appear to attract young people to gaming nor create crime and disorder issues.

Signature *D J Butterworth*

Thursday 29 October 2020

Application premises, Market Place, Newbury

36. Whilst travelling to the Newbury area I had cause to stop at the Warwick Service Station on the M40 motorway. On entering the main shopping area I immediately noticed an adult gaming centre named GameZone situated directly inside the main car park entrance door which was clearly visible to all customers entering and exiting. This venue appeared to operate without causing any nuisance or issues to the general public using the site.
37. I visited the Newbury Town Centre area from 1930 hrs Thursday 29th October until 22.00 hrs on Saturday 31st October 2020. My observations were recorded into a notes document which I later transcribed into a record of observations log for the purpose of this report (exhibit refer letter DJB 4 refers). I identified the location of the application premises in Market Place which was formally a William Hill betting shop. Next door but one was a Coral bookmaker which advertised as closing at 20.30 hrs.
38. I then looked around the area for signs of local authority-controlled CCTV cameras. Two such cameras were located, one at the Kennet Shopping Precinct and one at the junction of Wharf Street and Market Place. Both these cameras appear to have line of sight to the applicant's premises.
39. I then looked around the area for signs of residential accommodation likely to be impacted on by the granting of a licence in the area. The nearest residential accommodation appeared to be in apartments immediately above the application venue. Other betting offices identified in the area were Ladbrokes (no customers at 21:02 hrs) on Northbrook Street and Megabet on Bridge Street. The nearest place of worship identified appeared to be St Nicholas Church on Bridge Street.
40. Four betting offices (Coral Market Place, Ladbrokes Northbrook Street, MegaBet Bridge St and MegaBet Bartholomew Street) were located in the Town Centre area and one machine premises (In2Win) on Northbrook Street. All the gambling premises were located near to alcohol licensed premises.
41. All the business premises in the area appeared to close at 22.00 hrs apart from take away venues. At 22.30 hrs I noticed a group of 6 males standing under the clock tower at the junction of London Road and The Broadway consuming alcohol. My observations on this evening ceased at 22.40 hrs when I returned to my accommodation.

Friday 30th October 2020

Signature *D J Butterworth*

Application Premises, Market Place Newbury

42. My observations in Newbury continued and were recorded fully in my record of observations log (Exhibit reference letter DJB 4 refers). The area appeared similar to my previous night's observations; however, more retail shops had opened. All 4 betting shops in the area were visited. No crime, disorder or anti-social behaviour was witnessed in or around any of the venues. Whilst patrolling the town centre area I noted a further religious building, Newbury Baptist Church and St Nicholas Junior School near to Newbury Railway Station.
43. At 21.16 2 males are seen in the graveyard of St Nicholas Church drinking cans of lager and using one of the raised memorials as a bar top. In2Win closed at 22.05. At 22.15 all venues in Market Place had closed except Kebab Korner which appeared to be offering a takeaway service. At 22.30 I ceased my observations and returned to my accommodation.

Saturday 31st October 2020

44. I continued my observations in Newbury Town centre which were recorded on a notes document and transferred into my record of observations log (exhibit reference letter DJB4). The area appeared similar to my 2 previous days visits, however, on this day a small market stall area had been erected in Market Place. I visited and took observations outside all the gambling premises in the town centre and did not observe any crime, disorder or antisocial behaviour occurring inside or outside them. At 12.10 a police vehicle with its blue lights flashing and siren sounding travelled along Cheap Street but did not stop.
45. I entered the In2Win gambling premises at 15.37 and exited at 16.32. The customers observed inside were all aged 30+, the oldest being a female aged 75+. As I left the venue, I was engaged in conversation with a customer who was smoking outside. The male, aged around 60 years old, asked me if I had had any luck and then went on to tell me that since his wife had died he visited the venue regularly and although he had a machine and internet gaming at home he preferred the social interaction of visiting the shop.
46. At 18.10 a female uniformed police officer walked through Market Place which was the first time I had seen any routine foot patrolling during these observations in Newbury town centre.
47. At 19.29 a police vehicle passed along Oxford Street with its blue lights operating but did not come down Northbrook Street or stop in the vicinity. At 20.23 a group of 14 teenagers (under 18) walked down Albert Street past Newbury Methodist Church. In2Win closed at 22.03 and a sole female member of staff locked up the premises.

Signature *D J Butterworth*

48. I returned to Market Place where all the licensed venues appeared closed and around 50 departing customers remained in the area. Kebab Korner remained open with 5 customers outside waiting for Takeaways. A uniformed police officer and 3 Street Pastors were present outside the learning centre. As I exited the square along Bear Lane, I passed 5 uniformed police officers walking towards Market Place. As the Coral betting office in the square had closed at 8.30pm I can only assume that they were going to deal with the remaining departing customers from the alcohol licensed premises. My observations ceased at 22.30 and I left the area.

Summary

49. During these periods of observations, I did not observe any conduct outside any of the gambling premises which came close to the comments made within some of the representations in respect of the application. No criminal conduct was observed during this period of observations. The most serious incident of anti-social behaviour observed was the two males drinking cans of alcohol in the graveyard of St Nicholas church, but this conduct had no connection with any of the nearby gambling premises.

50. During my time spent in Newbury I saw limited signs of routine foot patrolling of the areas by police officers and police community support officers. None of the gambling premises engaged door security officers or needed to use magnetic door locks to keep out unwanted customers; only a few of the licensed venues required the support of door security staff; conduct often associated with areas of high incidence of Crime and Disorder. Single working by staff employed at the current gambling premises also appeared to be the normal routine, a further indication that the current venues do not suffer from unusual levels of crime and disorder

51. At paragraph 20, 21 and 22 above I outlined what I consider to be major differences between a betting office premises and a Gaming Centre. What I observed during these observations confirms and reinforces my experiences outlined above. In my experience the change of use of these premises from a betting shop to a bingo machine premises will improve the area for local residents and businesses and reduce the levels of crime, disorder and anti-social behaviour in Market Place.

Crime and Disorder in the area

52. In my experience it is unusual for objections to be made to an application based on the area that the premises are operated in without a representation from the Police as custodians of intelligence reports, incidents and crime records.

Signature *D J Butterworth*

53. During this period of observations, I did not observe any Crime and disorder and very low levels of anti-social behaviour. In addition, I did not observe any of the current gambling premises having to take increased crime prevention measures to address any current problems. I did not observe any evidence of criminal damage to property or acts of drug taking which I have often observed during visits to other towns and cities.
54. Another indication that a town centre suffers from irresponsible criminal behaviour is the security measures taken by stores. Very few of the shop frontages had roller shutter security to prevent damage when closed or prevent unauthorised access out of hours. Shop windows remained intact and the street furniture appeared to be well maintained and undamaged.

Conditions proposed by the applicant

55. Although I did not see any crime and disorder in the area, I have seen the list of conditions that have been proposed by the applicant in support of this application. These conditions go above and beyond those attached to the Gambling premises currently operated in this area. I believe that these conditions demonstrate that the applicant is a responsible operator and goes beyond the minimum requirement needed to ensure they do not create the types of issues referred to in some of the representations.

Conclusion

56. Throughout my observations I saw no groups of people congregating outside the current betting offices and no breaches of conditions by any operator. No such conduct occurred in the vicinity of the application site, betting offices or the current Gaming Centres observed. As a result, the only conclusion I can arrive at, is that the current gaming venues in this area are not a source of crime and disorder: gambling is conducted in an open and fair way: and I saw no evidence that children and other vulnerable people are harmed by gambling in this area.
57. In my experience of hearings in other areas no evidence has ever been produced to show that a machine type premises, as proposed in Newbury, currently operating in an area creates the crime and disorder that those making representations fear.

Appendix

Exhibit reference letter DJB 1 Photograph of Merkur Slots site at Rochdale
Exhibit reference letter DJB 2 Photograph of Merkur Slots signage at Rochdale
Exhibit reference letter DJB 3 Photograph of machine premises Liverpool Airport

Signature *D J Butterworth*

Signature *D J Butterworth*



MERKUR CASHINO

OPEN 24 HOURS

BINGO PLAYED HERE

OPEN 24 HOURS

BINGO PLAYED HERE

OPEN 24 HOURS

OPEN 24 HOURS

MERKUR CASHINO

WELCOME

OPEN 24 HOURS

CODE OF PRACTICE

Persons under the age of 18 years are prohibited from entering the premises.

The following Code of Practice is intended to provide a framework for the operation of the premises. It is intended to ensure that the premises are operated in a safe and secure manner and to ensure that the interests of the public are protected.

The following Code of Practice is intended to provide a framework for the operation of the premises. It is intended to ensure that the premises are operated in a safe and secure manner and to ensure that the interests of the public are protected.

BINGO RULES

Before Play

- The commencement of each game, the following information will be displayed:
 - Which machine is to be played
 - Which machine is to be played

During Play

- When play begins each number will be marked at random by means of the Random Number Generator in the full view of the majority of players. Members must mark their cards/balls in such a way that the numbers are visible to the majority of players. The winning card/ball must contain the last number of the last number called.
- No further claims will be accepted for a ball, or ball/line for other combinations (once the next number has been called). No further claims will be accepted if the next number has been announced and the Random Number Generator set for the next game.
- In the event of a discrepancy between a number announced by the Caller and that illuminated on the indicator board, the actual number produced by the Random Number Generator shall prevail.

Stopping the Game

- The point at which the next number is drawn to be called will be the moment the Caller has announced that number in any degree. Once a number has been called, the game will continue until the next number is called.
- No further claims will be accepted for a ball, or ball/line for other combinations (once the next number has been called). No further claims will be accepted if the next number has been announced and the Random Number Generator set for the next game.
- In the event of a discrepancy between a number announced by the Caller and that illuminated on the indicator board, the actual number produced by the Random Number Generator shall prevail.

Changing the Ball

- If the balls/numbers are being used when these must be reset about changing a claim.
- When a claim is being checked the following items will be announced/displayed:
 - The game being played
 - The last number called
 - The last number called
 - The last number called
- The Caller will then decide on the claim and announce their decision. If they do not allow the claim they will announce to obtain the player's agreement to that decision. The reason why the claim has not been allowed will be announced.

Multiple Winners

- In the case of a special game (or a prize (not cash) provided by the proprietor) the Caller will announce before the game the procedure to be adopted in the event of more than one winner during the game. In the event of more than one winner in a claim game, all prizes will be equally shared between the winners.
- The Normal Machine's decision will be final in all matters.

SOCIAL MEDIA

It is the policy of the company to monitor social media for any information that may be used to identify or locate individuals who are associated with the company. This includes but is not limited to the following: Facebook, Twitter, LinkedIn, YouTube, Instagram, and any other social media platform.

The company reserves the right to take such action as it deems appropriate to protect the privacy and security of its employees and customers.

GAMBLING ACT 2005

The Three Licensing Objectives

- Preventing gambling from becoming a cause of financial hardship, family breakdown or crime; or otherwise leading to significant harm; and ensuring that the interests of children and vulnerable persons are protected.
- Ensuring that gambling is conducted in a fair and open way. Gambling machines comply with the Commission's technical standards and control rules and prize awards, and the interests of winners. Our terms and fair and gaming rules are fully understood by customers.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling. This includes ensuring that the interests of children and vulnerable persons are protected.

ALLIANCE

MEMBER OF THE BINGO ASSOCIATION AND THE BINGO ASSOCIATION OF GREAT BRITAIN

Our members are committed to providing a safe and secure gaming environment for all our customers. We are proud to be a member of the Alliance and to uphold the highest standards of integrity and fairness.

BINGO PRICES & CHARGES

REGULATED BY THE BINGO ASSOCIATION AND THE BINGO ASSOCIATION OF GREAT BRITAIN

Our prices and charges are set in accordance with the regulations of the Bingo Association and the Bingo Association of Great Britain. We are committed to providing our customers with the best value for their money.

WINDUP

WINDUP IS A MEMBER OF THE BINGO ASSOCIATION AND THE BINGO ASSOCIATION OF GREAT BRITAIN

WINDUP IS A MEMBER OF THE BINGO ASSOCIATION AND THE BINGO ASSOCIATION OF GREAT BRITAIN

Caeshino Gaming Ltd

is a Member of The Bingo Association and The Bingo Association of Great Britain

Caeshino Gaming Ltd is a Member of The Bingo Association and The Bingo Association of Great Britain

FOOD HYGIENE RATING

5

5 4 3 2 1

FOOD HYGIENE RATING

FOOD ALLERGENS AND INTOLERANCES

If you require further information regarding food served on these premises please speak to a member of staff who will advise you accordingly.

STAYING IN CONTROL

The Golden Rules of playing Fruit Machines

Playing machines is buying fun, NOT investing money

Only play with money you can AFFORD to lose

Set LIMITS on how much you will spend

Playing within your means can be FUN and exciting

Spending outside your means can create PROBLEMS for yourself and others

A healthy mind is essential for a healthy body. Playing machines is a hobby, not a job. It should be enjoyed for the fun of it, not as a way to make money. If you find yourself spending more than you can afford to lose, or if you are experiencing any of the signs of a gambling problem, please seek help from a professional. For more information, visit www.gamcare.org.uk

CamCare: 0800 8020 133

GamCare.org.uk @gamcare

GambleAware

CCTV

In operation on these premises for the purpose of customer safety, crime prevention and security

For further information, please contact the sponsor at www.thepeople.com

NO SMOKING

It is against the law to smoke on these premises

18+

STRICTLY OVER 18s ONLY

NO ALCOHOL

It is against the law to consume alcohol on these premises

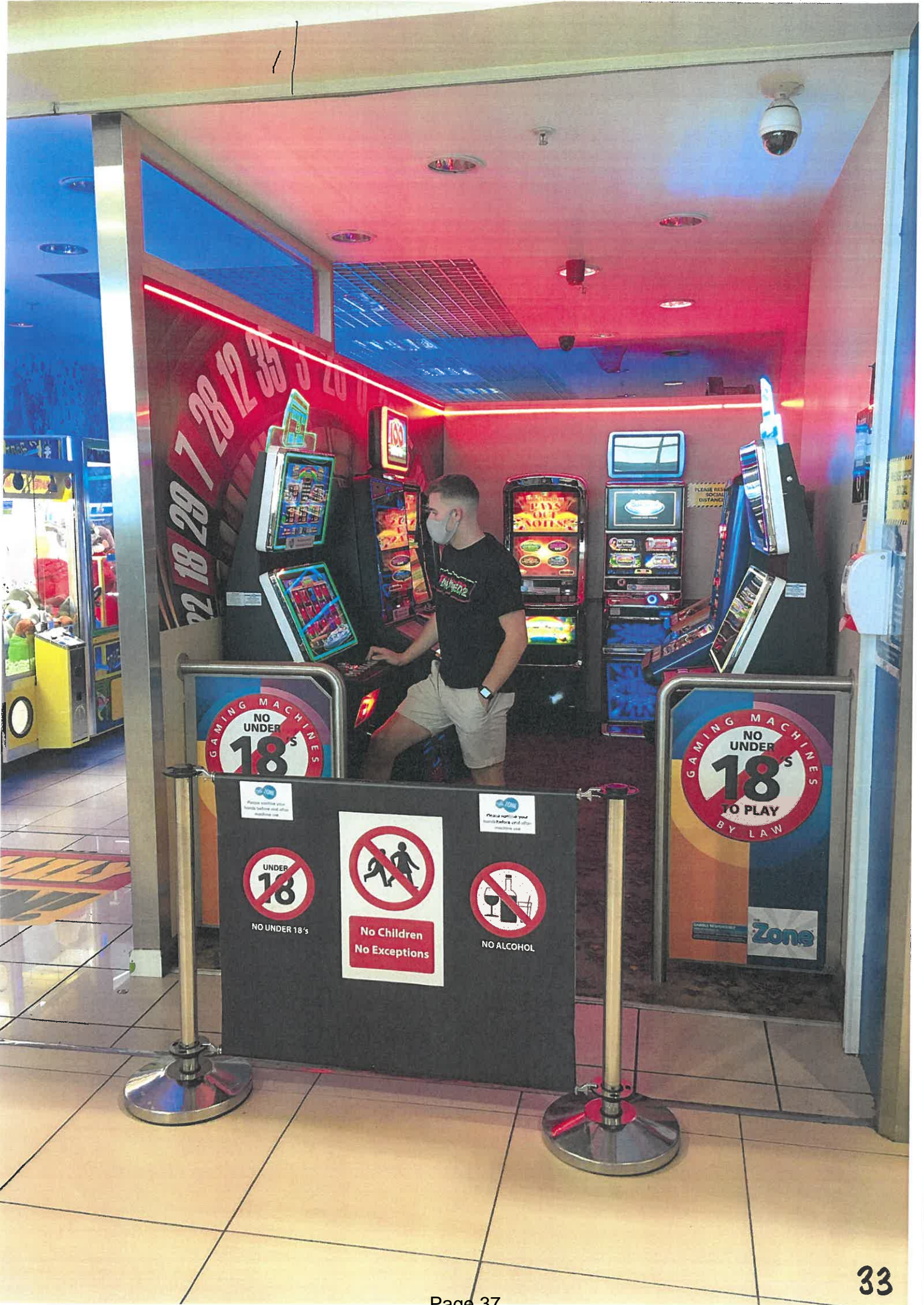
THINK 25

If you are lucky enough to look under 25 years old we need to check your ID

BeGambleAware.org

MERKUR CASHINO

GamCare



EDMUND LOCARD
Licensing and Security Solutions

Observations Log PRO FORMA Exh ref letter DJB 04

Premises

Name of premises	Merkur Slots
Address of premises	11-13 Market Place Newbury RG14 5AA
Day/ Date of visit	Thursday 29 th October – Saturday 31 st October 2020
Name of consultant conducting visit	Darrell Butterworth

Time	Comment
	Thursday 29th October 2020
19.30	Arrived Newbury Town Centre, identified premises in former William Hill betting shop, other bookmakers in the area Coral (next door but one to application premises) Ladbrokes Northbrook Street and Megabet Bridge Street. Megabet Bridge Street was directly opposite the entrance to St Nicholas Church. CCTV cameras located at the Kennet Centre and Wharf Street both appear to have line of site of the proposed premises. Residential accommodation identified immediately above the application premises. Other venues open in the area Coral, Sundaes Gelato, Catherine Wheel, One Stop, Elephant at the Market, Kebab Korner, Spare Wheel, Old Waggon and Horses, Hatchet Inn, Pizza Express, Sushi Maki Slug and Lettuce, Bill's .
21:02	Ladbrokes no customers, Megabet Bridge Street, 1 customer.
21.29	Corn Exchange closes its doors.
21.32	2 males are on the steps of Newbury Town Hall, 1 drinking a bottle of Budweiser and the second drinking an unidentified can of lager.
21.15- 22.15	190 people walk past the site of the proposed premises. The majority of these having exited the nearby alcohol licensed premises in the area following their closure under Covid-19 restrictions, at 22.00 hrs.
22.25	1 male is sat on the benches outside Wetherspoons and 4 males wait outside kebab corner for takeaway meals.
22.30	A group of 6 males are standing under the clock tower at the Broadway drinking alcohol.
22.40	Ceased observations and returned to accommodation.
	Friday 30th October 2020
	Continued my observation in Newbury town centre.
12.00	Entered Ladbrokes, no maglock, 1 male staff, 5 male, 1 female customer.
12.15	Entered Megabet Bridge Street, no maglock, 9 male 1 female customer, 1 female staff.
12.38	Entered Coral Market Place, no maglock 1 male staff, 4 male, 1 female customer. Noted second entrance directly into Kennet shopping centre

Every contact leaves an impression

EDMUND LOCARD

Licensing and Security Solutions

13.00 – 13.20	210 pedestrians walked past the site of the proposed venue in Market Place. Also identified Newbury Baptist Church near to railway station and St Nicholas Junior School.
13.38	Entered Megabet, Bartholomew Street no maglock, 1 male staff, 2 entrances, 6 male, 2 female customers.
14.00 – 14.20	176 pedestrians walked past the proposed site of the venue in Market Place.
14.28	Male walk along Mansion House Street drinking from a can of Perla Lager.
14.40	Door to In2win was wedged open, no-one congregating outside.
15.15	Male walks past proposed site on Market Place and appears to read the notices for the gaming licence application.
15.00 – 15.20	162 pedestrians walk past the site of the proposed premises
15.21	Entered Coral Market Place, no maglock 1 male staff, 5 male and 1 female customer.
15.32	Entered Megabet Bartholomew Street no maglock, 1 male and 1 female staff, 4 male customers
15.47	Entered Megabet Bridge street no maglock 1 male staff ,2 male customers.
16.11	Staff from the Corn Exchange in Market Place construct a queuing barrier system at the front of the premises in Market Place.
16.15	Male resident exits 11-13 market Place and smokes in the recessed frontage of the proposed site.
16.00- 16.20	164 pedestrians walk past the proposed site
16.28	Entered Ladbrokes, no maglock, 2 male staff, 3 male customers.
17.15 – 18.15	Observation outside In2win. Entrance door remained wedged open, 143 pedestrians walked past, 3 male and 1 female seen to enter, on occasions the 3 males come outside to smoke but never more than 1 at any time.
18.17	Entered Ladbrokes, no maglock, 1 male staff, 3 male customers
18.30 – 18.50	125 pedestrians walk past the site of the proposed application.
19.30- 19.50	152 pedestrians walk past the site of the proposed application. The majority of these entered the Corn Exchange building and at one time up to 10 people were queuing to get in.
20.10	Still open in Market Place are Coral, One Stop, Kebab Korner, Spare Wheel, Pizza Express, Corn Exchange, Sushi Maki, Hatchett Inn, Bill's, Waggon and Horses, Slug and Lettuce, Document House, Canal Bar, Catherine Wheel and Sundaes Gelato.
20.30	Coral closes
20.30- 20.50	79 pedestrians walk past the site of the proposed application.
20.52	Male walks along Cheap Street drinking a bottle of Stella.
21.05	Megabet Bartholomew Street still open, no maglock, 1 female staff, 2 male customers.
21.16	2 males are in the graveyard of St Nicholas Church drinking cans and using one of the raised tombs as a bar top.
21.17	Megabet Bridge Street still open, no maglock, 1 male staff, no customers. Ladbrokes closed and advertised as closing at 9pm. In2win remained open.
21.44	Male exits In2win.

Every contact leaves an impression

EDMUND LOCARD

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21.40	Male exits In2win.
21.53	Male exits In2win.
21.55	2 males In2win and a female member of staff can be seen through the wedged open door hoovering the inside of the venue.
22.05	Internal lights on In2win are switched off and a male and female exit leaving the front door wedged open. A group of 10 teenagers (under 18), some of whom are consuming bottles and cans of alcohol walk down Northbrook Street. They pay no intention to the open door of In2win and carry on towards the town centre.
22.11	A female exits In2win sets the alarm and locks the door.
22.20	All venues in Market Place are closed except for Kebab Korner which appeared open for takeaways.
22.30	Ceased observations and returned to my accommodation.
	Saturday 31st October 2020
	My observations continued in Newbury. The area appeared similar to my previous 2 days visits with retail premises being open. A market with a small number of stalls had been erected in Market Place.
11.00	In2Win was open although the front door had been closed.
11.03	Entered Ladbrokes, no mag lock, 2 male staff, 5 male customers.
11.15	Entered Megabet Bridge Street, no maglock, 1 male and 1 female staff, 8 male customers, male staff member reminded me to wear a face mask.
11.22	Entered Coral Market place, no maglock, 1 male staff, 7 male customers.
11.39	Entered Megabet Bartholomew Street, no maglock, 1 male and 1 female member of staff, 8 male customers.
12.10	Police vehicle with blue lights and siren operating travels along Cheap Street but does not stop in the area.
12.00-12.20	149 pedestrians walk past the site of the proposed venue in Market Place
12.30	2 females are smoking outside In2Win before going back inside.
12.37	A female enters In2Win
12.53	Male enters In2win
12.57	Male exits In2Win
12.30-13.00	94 pedestrians walk past the In2Win premises on Northbrook Street.
13.40	Noted a beggar in the fire door at the side of the Nationwide Building Society on Northbrook Street
14.11	Male pedestrian appears to read the notices in the window of the proposed venue.
14.00 – 14.20	231 pedestrians walk past the site of the proposed venue on Market Place
14.33	Entered Coral, no Maglock, 2 male staff but 1 was finishing, 1 male customer.
14.44	Entered Megabet Station Road, passed female member of staff who was outside smoking and using her mobile phone. No maglock and 1 male staff member, 2 male customers.
15.00	Entered Megabet Bridge Street, no maglock, 1 male staff, 2 male customers.
15.21	Entered Ladbrokes, no maglock 2 male staff, 6 male customers.
15.37	1 male seen smoking outside In2Win, front door wedged open. Entered premises, 2

Every contact leaves an impression

EDMUND LOCARD

Licensing and Security Solutions

	female staff and 7 male customers inside, 1 elderly female customer.
16.10	6 male and 1 elderly female customer remain inside In2Win.
16.18	Elderly female customer leaves and is picked up outside by a younger female in a vehicle. Front door remains wedged open, 1 female staff member, 6 male customers remain inside.
16.32	I exited In2Win leaving 1 female staff member and 5 males inside. 1 male customer is smoking outside who asked if we had had any luck. He then went on to say that he goes into the venue regularly since recently losing his wife and although he could play on a machine or online at home he preferred to visit the venue in order to socialise with people.
17.00-17.20	154 pedestrians walk past the site of the proposed venue.
18.00-18.20	142 pedestrians walk past the site of the proposed venue.
18.50	Observed In2Win
19.29	Police vehicle with blue lights operating travelled along Oxford Street/London Road but did come down Northbrook street.
18.50-19.50	63 pedestrians walk past In2Win. No-one is seen to enter or leave. No-one is seen to smoke outside.
20.23	A group of 14 teenagers (under 18) walk down Albert Road past Newbury Methodist Church.
19.50 – 20.50	52 pedestrians walk past In2Win. No-one is seen to enter or leave. No-one is seen smoking outside.
21.22	A female is seen to park a car on Northbrook Street and enters In2Win.
21.36	Male and female exit In2Win.
21.42	Lighting above front signage is switched off. Female staff can be seen inside through the wedged open door hoovering.
20.50-21.50	68 pedestrians walk past In2Win.
22.00	Male leaves In2Win.
22.03	Female who had arrived at 21.22 leaves venue.
22.05	Lights to venue are switched off
22.06	Female locks up and leaves.
22.15	Returned to Market Place. All licensed venues appear to be closed. Kebab Korner remained open with 5 customers outside waiting for takeaways. Approximately 50 people remained in Market Place, along with 1 police officer and 3 street pastors. As I exited Market Place, I passed 5 uniformed Police Officers walking towards Market Place. As I did not observe any crime and disorder taking place, I can only assume that they were on their way to clear the square of remaining members of the public.
22.30	Ceased observations and left the area.

Every contact leaves an impression

NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER THE GAMBLING ACT 2005

Notice is hereby given that: **Cashino Gaming Limited**

of the following address:

**Seebeck House
1A Seebeck Place
Knowlhill
Milton Keynes
MK5 8FR**

is applying for a **Bingo**
premises licence under section 159 of the Gambling Act 2005.

The application relates to the following premises:

**Merkur Slots
11-13 Market Place
Newbury
RG14 5AA**

The application has been made to: **West Berkshire Council**

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories.

Any representations must be made by the following date: **16th July 2020**

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

PROPOSED LICENCE CONDITIONS: 11-13 MARKET PLACE, NEWBURY

All Merkur Slots premises maintain a high standard of operation and implement the measures listed below as standard.

Should the Licensing-Sub Committee be minded to grant the current application and believe that the additional conditions would be appropriate, Cashino Gaming Limited would be willing to accept the following:

- 1. The premises shall install and maintain a comprehensive CCTV system, which shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days. Viewing of recordings shall be made available upon the request of Police or an authorised officer of the Licensing Authority, subject to data protection legislative requirements.**
- 2. Notices shall be prominently displayed within the premises stating that CCTV is in operation.**
- 3. An incident log shall be kept at the premises and made available on request to an authorised officer of the Licensing Authority or the Police. Details to include:**
 - a. all crimes reported to the venue**
 - b. all ejections of patrons**
 - c. any complaints received concerning crime and disorder**
 - d. any incidents of disorder**
 - e. all seizures of drugs or offensive weapons**
 - f. any visit by a relevant authority or emergency service.**
 - g. any attempts by children and young persons to gain access to the premises to gamble**
 - h. any Challenge 25 Refusals.**
- 4. A think 25 proof of age scheme shall be operated at the premises where any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.**
- 5. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises.**
- 6. Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises.**
- 7. The appropriate staffing levels will be assessed by way of risk assessment and cognisance will be taken of any police advice**
- 8. The licensee shall participate in a local Betwatch or similar scheme, where available.**
- 9. The licensee shall take reasonable steps to prevent nuisance directly outside the Premises.**
- 10. If trading past midnight the Maglock will always be in use.**
- 11. There shall be no pre-planned single staffing at the premises from 20:00 until closing. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.**
- 12. If trading past midnight there will always be two members of staff on duty.**
- 13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.**

Merkur Slots

OPERATIONAL MANAGEMENT PLAN & SECURITY MEASURES

October 2020

Cashino Gaming Ltd is an experienced and responsible premises operator. As with all our premises, we will operate a 'good neighbour' policy and will ensure that all neighbours are respected. We will implement a robust operational management plan and implement robust security measures to ensure that the premises, our customers and our relationship with our neighbours are all well managed.

All staff will be provided with a copy of this Operational Management Plan. All members of the management team will have full training with regards to the management plan. Refresher training will be held with all management members every 6 months.

The Operational Management Plan in the first year will be reviewed on a 6 monthly basis in order to react to any changes in our initial trading pattern and then annually thereafter.

General

A member of the management team will be on site at all times.

Our teams will remain with the customers on the shop floor rather than behind a counter.

A 25 proof of age scheme shall be operated at the premises where any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry.

Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises.

We will place a notice visible from the exterior of the premises stating that drinking of alcohol directly outside the premises is forbidden and that those who do so will be banned from the premises.

We will only play background music in the premises and there will not be any tannoy systems.

The main entrance doors will not be fixed or propped open at any time whilst the premises is trading.

Dispersal Policy

The premises will not attract large crowds of people and there will not be a mass departure of rowdy people at closing time due to the nature of our premises and our customer base, therefore we do not have formal dispersal policies in place in our premises.

Our premises attract individuals and couples rather than large groups, and our customer base beyond midnight is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts. It is also unusual for our customers to loiter outside the premises after closing time. However, the following steps will be taken at closing time:

- Staff will alert customers that the premises will be closing 30 minutes before closure.

- Customers will be reminded to respect our neighbours when they leave.
- No waiting outside the premises will be permitted after close. Customers found to be loitering near the building will be politely asked by staff to move on.
- Staff, on request, will provide relevant information to customers who require a taxi or directions to the nearest station or bus stop.

Security Measures

The premises shall install and maintain a comprehensive CCTV system. All recordings shall be stored for a minimum period of 31 days and recordings shall be made available to the Police or an authorised officer of the Licensing Authority subject to data protection requirements.

Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV.

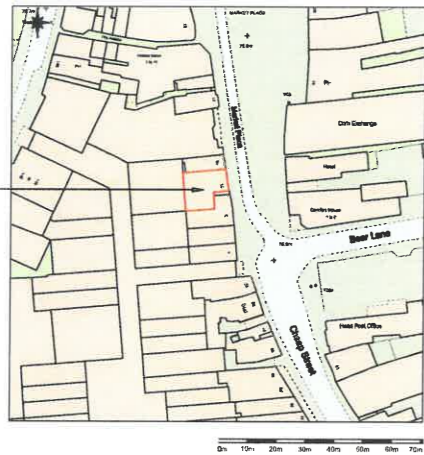
The entrance doors will be fitted with a magnetic door locking system. There shall be no pre-planned single staffing at the premises from 20:00 until closing. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.

If trading past midnight there will always be two members of staff on duty. The entrance doors will have a concealed maximum security deadlock.

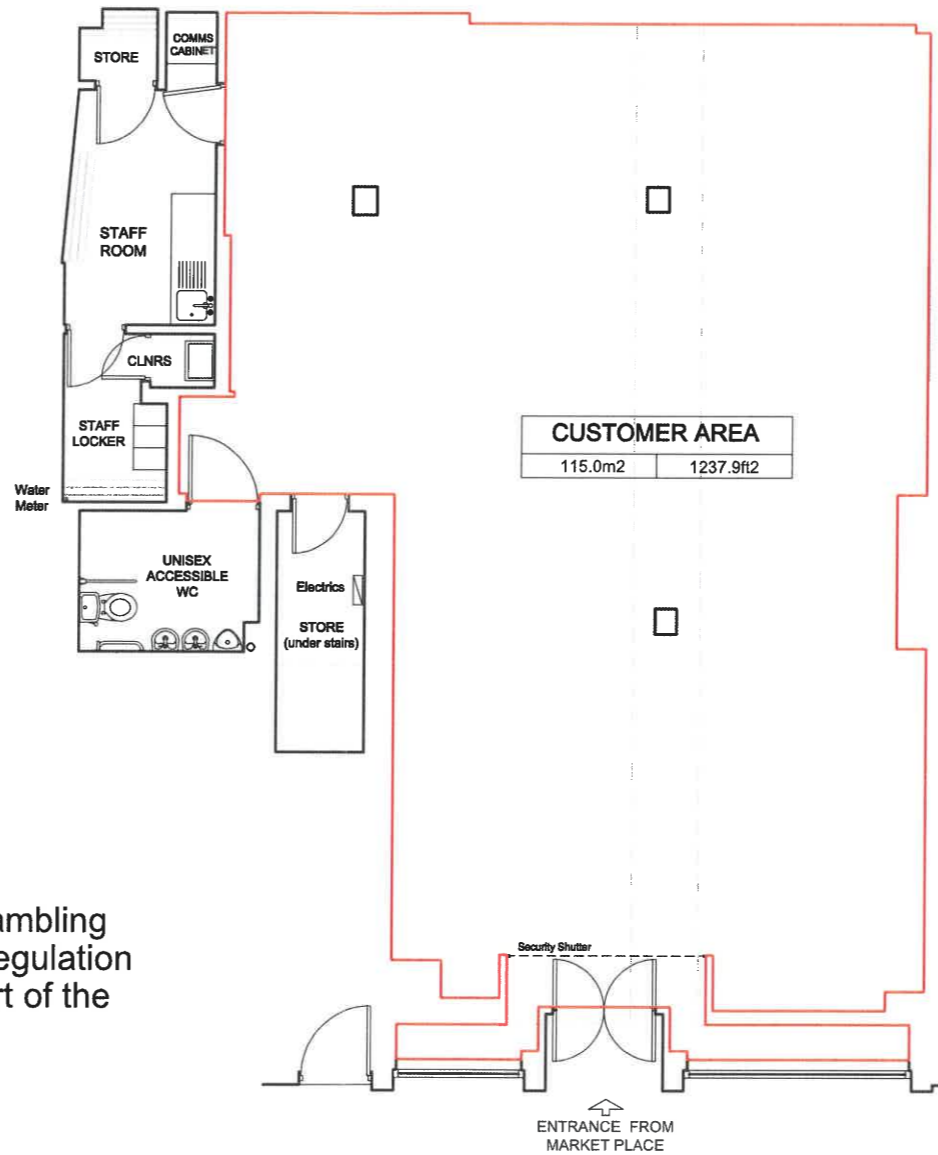
All cash is stored in a cash recycler. There will be no access to cash when the premises is trading and the cash recycler is locked at all other times.



SITE IN APPLICATION
11-13 MARKET PLACE
NEWBURY
RG14 5AA



Location Plan 1:1250



Proposed Ground Floor Plan 1:50

GAMBLING ACT 2005 LICENSING PLAN

Anything shown on this plan, which is not required by The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 is for information purposes only, and **does not** form part of the premises licence

— Area in which facilities will be provided for gaming.

Rev	Date	Description
A	20.05.2020	Existing Staff Toilet omitted to allow formation of Staff Locker

MERKUR SLOTS

Address
11 - 13 MARKET PLACE
NEWBURY
RG14 5AA

Title
LICENCE PLAN

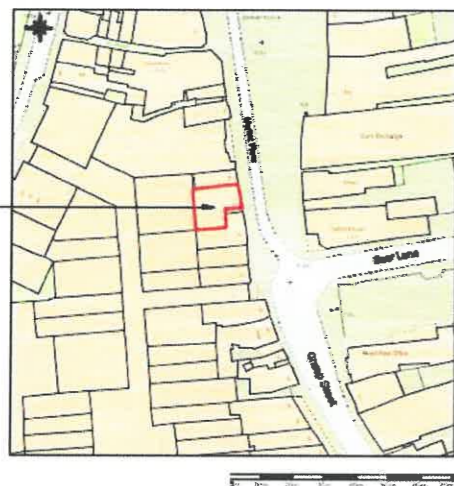
Drawn	Date	Scale
JAM	15/05/2020	1:50 @ A1

Customer Area	115.0m2	
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Drawing Number	MP/NEW/02	Revision	A
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McKeown's
Plans for Construction
301 Alvechurch Road, Birmingham, B31 4UB Tel: 0121 433 4745

Licence Plan



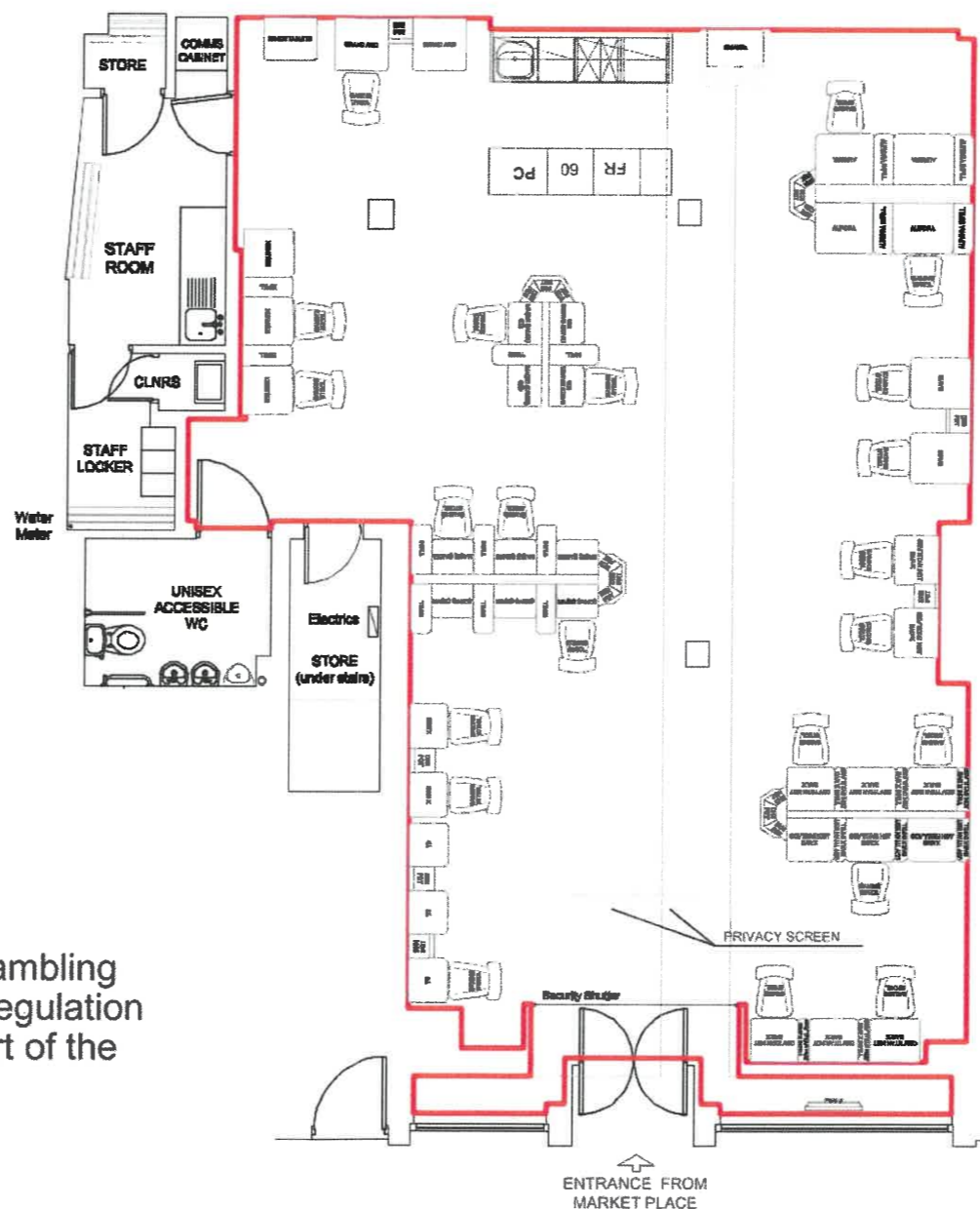
SITE IN APPLICATION
11-13 MARKET PLACE
NEWBURY
RG14 5AA

Location Plan 1:1250

GAMBLING ACT 2005 LICENSING PLAN

Anything shown on this plan, which is not required by The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 is for information purposes only, and **does not** form part of the premises licence

— Area in which facilities will be provided for gaming.



CUSTOMER AREA	
115.0m2	1237.9ft2

FOR ILLUSTRATION PURPOSES ONLY

Proposed Ground Floor Plan 1:50

Rev	Date	Description
A	20-05-2020	Changing Staff Toilet to include Amenity of Staff Locker Room



Address
11 - 13 MARKET PLACE
NEWBURY
RG14 5AA

Title
LICENCE PLAN

Drawn	Date	Scale
JAM	04/06/2020	1:50 @ A1

Customer Area	115.0m2
Drawing Number	MP/NEW/02
Revision	A

McKeown's
Planning Consultants
301 Manchester Road, Birmingham B15 2JY Tel: 0121 420 4545

Licence Plan

Merkur Slots, 11-13 Marketplace, Newbury, RG14 5AA

Local Area Risk Assessment

Trading Name:	Merkur Slots
Premise Address:	11-13 Marketplace, Newbury, RG14 5AA
Local Authority:	West Berkshire Council
Premise Licence No:	New application
Operator Licence No:	000-003266-N-103444-024 (Cashino Gaming Ltd)
Company Details:	Praesepe Group, 1a Seebeck House, Seebeck Place, Knowlhill, Milton Keynes MK5 8FR Premise Licence Holder: Cashino Gaming Limited
Name and Title of Assessor:	Amanda Kiernan -- Head of Compliance and Gill Clulow -- Senior Auditor
Date of Assessment:	30/05/20 and 07/08/20
Review Date:	On opening in conjunction with local staff

Local Area Profile Risk Factors

<p>Local Risk Profile:</p>	<p>Merkur Slots, a former William Hill betting shop is located on the Market Place in Newbury Town Centre which is an area of mixed retail and non-retail use. The Market Place contains a high number of pubs with outside seating areas.</p>
<p>Establishments of note:</p>	<p>The entrance to the Kennet Shopping Centre is nearby and has a variety of retailers and Vue Cinema within. The Zinc Nightclub is located at 17 Market Place, this club closes at 3am. Within the Town Centre there are 8 pubs/bars within a 1 minute walking distance: The Elephant at the Market; Walkabout; Then Old Wagon and Horses; The Newbury; Catherine Wheel; Document House and the Globe (closing times range from 11pm to 1am). Within 1 minute walk there are two pawnbrokers, The Gold Buying Centre and CEX exchange. Strawberry Hill Medical Centre is 640 yds. away and the closest hospital is West Berks Community 1.4m. Help and support for the homeless and vulnerable can be found at West Berkshire Homeless, Newbury Soup Kitchen (Salvation Army) and Loose Ends, all around 0.2 miles away. The nearest foodbank is 0.2m. There are 8 churches within 0.5 miles St Nicholas is the closest a 2 minute walk. There are 6 Primary Schools within 1 mile: St Nicholas Coffe E 490yds; Speenhamland 840yds and St Joseph's 0.6m. There are 2 secondary schools within 1 miles - St Bartholomew's and Trinity School.</p>
<p>Adjoining premises:</p>	<p>Merkur Slots is located next door to Kebab Korner, a takeaway with opening hours from late afternoon with closing times ranging from 2am Monday and 5am Friday and Saturday, there is a One Stop convenience store on the other side which is next to Coral Bookmakers.</p>
<p>Crime statistics:</p>	<p>Market Place, Newbury, RG14 5AA is within the Newbury Town Centre policing neighbourhood, under the Thames Valley Police force area. In June 2020 108 crimes were committed within half a mile of the Centre of Market Place: Violence and sexual offences (33), Anti-social behavior (26), Public order (11), Burglary (10), Criminal damage and arson (8), Vehicle crime (5), Theft (4), Other crime (4), Bicycle theft (2), Drugs (2), Shoplifting (2), Possession of weapons (1). No incidents have been reported on Market Place. There were 2 policing priorities issued in September 2019 both related to drinking and anti-social behavior. The first one was on Newbury Road Island (increased patrols and liaison with the local pub landlord was implemented) and the second one occurred in a shop doorway in the Town Centre (Steering Group formed, building owners traced and community-backed group boarded the doorway).</p>
<p>Population:</p>	<p>Market Place, Newbury area has a population of 1494 residents The local area around RG14 5AA is predominantly male - 56%, comparing to 49% national average. Dominating age groups are 30-44 (29.4%) and 25-29 (16.9%). 15.4% of local population is at retirement age. In the immediate vicinity of Market Place, Newbury residents are predominantly single 53.3%, which is higher than the national average of 34%. Market Place and surrounding area does not show a significant deviation in education levels from the average figures for the UK. 28% of residents are degree educated or similar (UK average, around 27.1%- Census 2011). 22% of local population has no qualification (average across UK is 22.9%). The majority of the housing stock is purpose built flats rented from private landlords.</p>
<p>Culture:</p>	<p>Market Place, Newbury isn't more ethnically diverse than UK as a country. As a whole, the UK population claims itself as approximately 86% white, with this area being 87% white. 4.6% of local residents describe themselves as Indian, 3.4% Chinese, 1.7% Mixed Ethnicity, 1.4% are Black African or Other and remaining 0.5% is equally divided between Pakistani, Other Asian and Black Caribbean. 44% of local population is Christian, which is lower than 59.3% UK average. 39% claim to have no religion, 10% did not state their religious views, and 5% identify themselves as Hindu and 1.4% is Muslim.</p>
<p>Unemployment:</p>	<p>This address within the Newbury Central ward has a larger than average concentration of residents that were in full-time employment - 52% of the resident population. On average, around 38.4% of census respondents fell into this category. 6% of local population is unemployed, which is less than UK average of 7.4% (Census 2011). Dominating employment industries are Information and Communication (19%), Retail (17%) and Accommodation and Food (16.8%).</p>
<p>Deprivation:</p>	<p>In the latest Index of Multiple Deprivation (IMD) Market Place, Newbury area was ranked 17,784 out of 32,844 in England, where 1 was the most deprived and 32,844 the least. This is amongst the 50% least deprived neighbourhoods in the country. Crime deprivation rate is currently ranked 15,517 out of 32,844 (2019), it was only 4,180 out of 32,844 in 2015.</p>
<p>Local Police:</p>	<p>Consultation with the Local Police has reported they have no concerns regarding opening the new Merkur Slots on Market Place, Newbury. There is some disorder in the local area due to late night economy but none are gambling related.</p>

The Gambling Act 2005 sets out the three licensing objectives (LO), which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

Localised Risks to the Licensing Objectives

This Local Area Risk assessment takes into account West Berkshire local authority Statement of Gambling Principles, reference 2.8 Bingo Centres and West Berkshire Borough Profile 2011.

Environmental Factors

In preparing this assessment Praesepe has considered the relevance of environmental factors. In this context, environmental factors include the physical location of schools, playgrounds, residential areas, other retail premises and locations (bus stations, tube stations) which have an effect on football. We have set out below our position on risk in this area:

Licensing Objectives	Local Risks	Control Measures
<p>Protecting children and other vulnerable people from being harmed or exploited by gambling</p>	<p>Unemployment This address within the Newbury Central ward had a larger than average concentration of residents that were in full-time employment - 52% of the resident population. On average, around 38.4% of census respondents fell into this category. 6% of local population is unemployed, which is less than UK average of 7.4% (Census 2011). Dominating employment industries are Information and Communication (19%), Retail (17%) and Accommodation and Food (16.8%).</p> <p>Deprivation In the latest Index of Multiple Deprivation (IMD) Market Place, Newbury area was ranked 17,784 out of 32,844 in England, where 1 was the most deprived and 32,844 the least. This is amongst the 50% least deprived neighbourhoods in the country. Crime deprivation rate is currently ranked 15,517 out of 32,844 (2019), it was only 4,180 out of 32,844 in 2015.</p> <p>Schools and Education St Bartholomew's School, Andover Road, RG14 6JP St Nicolas C Of E Junior School, Link Rd, RG14 7LU The Winchcombe School, Maple Crescent, RG14 1LN Berkshire School of English, St Mary's House, 57 Cheap Street, RG14 5DH Victoria Park Nursery School & Children's Centre, Victoria Park, RG14 1EH St Joseph's R C Primary School, Newport Rd, RG14 2AW OISE Newbury Hall, Enborne Rd, RG14 6AD The VICI Language Academy, 12 West Mills Yard, Kennet Rd, RG14 5LP</p>	<p>Age Verification <i>Ensuring Under 18's do not have access to licensed premises</i> All Merkur Slots venues are strictly adult only (over 18's only). Gambling is an age restricted product and Praesepe operates a 'Think 25' policy. Age verification is embedded in training platforms and responsible gambling policies. Over 18's notices are displayed on the entrance. Think 25 advertising is prominently displayed throughout the premise. Merkur Slots Premise frontage will be of a style which obscures the interior with no advertising depicting images that may appeal to children. Marketing and Promotional activity complies with LCCP and standards set by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP). Merkur Slots operate a comprehensive Think 25 Policy, age verification checks are carried out and recorded, any person unable or unwilling to verify their age with appropriate ID will be told to leave, if they have managed to play machines, their staked money will be returned to them. Age verification test purchasing and mystery shopper visits are frequently carried out by 3rd party companies - Check Policy and Store Checker. Age verification tests for</p>

<p>Community Centres and Youth Centres Greenham Community Centre, The Nightingales, RG14 7SZ The Renewal Project, Unit F Hambridge Road Industrial Estate, RG14 5SS ACE Space, St Nicholas Rd, RG14 5PR City Arts Newbury, 10 Hampton Rd, RG14 6DB 14 Platoon Newbury Army Cadet Force, 3-23 St David's Rd, RG14 5PS</p> <p>Parks, play grounds and sports/leisure facilities City Recreation Ground, Andover Rd, RG14 6LR Stroud Green, Newbury RG14 7JH Kids Playground, Newbury RG14 1DF St George's Play Park, St George's Ave, RG14 5NY Kids Playground, Newbury RG14 2ER</p> <p>Vulnerable and addiction support services Newbury Samaritans, 58 West St, RG14 1BD</p> <p>Charity Shops Save the Children Charity Shop, Newbury, RG14 5DB Cancer research, 27 Market Pl, Newbury RG14 5AA Sue Ryder, Unit 22, The Mall, Newbury RG14 5EN British Heart Foundation, 5 Mansion House St, Newbury RG14 5ES</p> <p>Homeless shelters and food banks West Berkshire Homeless, 8 Northcroft Ln, RG14 1BU Loose Ends, Newbury Baptist Church, Morton Hall, Cheap St, RG14 5DD</p> <p>Pawnbrokers and Loan Shops Gold Buying Shop, 2 The Arcade, RG14 5AD CEX Exchange, Unit 34, The Kennet Centre, Newbury RG14 5EN</p> <p>Medical Centres, Care Homes and Mental Health facilities Strawberry Hill Medical Centre, Old Bath Rd, RG14 1JU Dr Angus Whitfield, St Mary's Road Surgery, St Mary's Rd, RG14 1EQ Eastfield House Surgery, 6 St John's Rd, RG14 7LW The Fairbourne Clinic, 17 Wendan Rd, RG14 7AG West Berkshire Psychotherapy, Wendy Bramham Therapy, 47 Cheap St, RG14 5BX Argyles Care Home – Bupa, Pound St, RG14 6AE Winchcombe Place – Care UK, Maple Cres, RG14 1LN</p>	<p>2019/2020 resulted in a pass rate of 96.09% which is 20% higher than the industry average, all venues receive 3 or 4 random test visits per year.</p> <p>Test purchase fails are reviewed within 48 hours by the Area Manager, this involves reviewing CCTV footage of the incident and implementing appropriate training or where necessary disciplinary action.</p> <p>All age verification checks are recorded on the IHL SMART Tablet AV App, this data is collated centrally and regularly reviewed by an independent team of compliance auditors.</p> <p>Results of age verification checks and third party results are shared with the Gambling Commission.</p> <p>Proof of Age scheme in place with application forms available in the venue.</p> <p>Vulnerability Training and guidance is given to Merkur Slots staff on vulnerability (the inability or limited ability of people to control their actions). This includes addictive gambling, mental health, alcohol or drugs issues.</p> <p>Marketing and Promotional activity complies with LCCP and standards set by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP).</p> <p>All staff complete on boarding and 6 monthly refresher training which includes Safeguarding Children and Vulnerable People and Customer Interaction.</p> <p>Staff are trained how to deal with vulnerable customers and how to make effective interactions, any difficult cases are referred to our compliance team for review and resolution.</p> <p>Customer Interaction Merkur Slots provide comprehensive customer interaction training, instruction and supporting policies to all staff in this area (via training platforms, training centres and Compliance Manual).</p> <p>Staff are provided with the training to enable them to provide guidance on safer and responsible gambling.</p> <p>Staff are trained on conducting effective customer interactions, identifying behavioural changes and how to identify and interact with players who exhibit signs of developing problems with their gambling.</p>
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<p>Gambling premises Coral, 5-7 Market Pl, Newbury RG14 5AA Megabet, 153 Bartholomew St, RG14 5HB Ladbroke, 60 Northbrook St, RG14 1AH Casino slots, 45 Northbrook St, RG14 1DT</p> <p>Residential Areas The area containing Market Place, Newbury consists predominantly of flats, which is common in inner cities, student neighbourhoods and poorer suburban settings. In local vicinity, there is higher than average level of social housing - 38% of household spaces. This contrasts with the national average of just over 18%. 44% are rented from private landlords. Housing occupancy is mainly single person (61%).</p> <p>Bus stops and other Transport links Bus stop, Cheap Street, RG14 5DB Newbury Railway Station, Station Approach, RG14 5DS</p> <p>Locally Identified Premises Corn Exchange, Market Pl, RG14 5BD Whitewall Galleries Newbury, 43 Park Way, RG14 1AY City Arts Newbury, 10 Hampton Rd, RG14 6DB West Berkshire Museum, The Wharf, RG14 5AS</p> <p>Public Houses and Alcohol Licensed Premise Walkabout, 42 Cheap St, RG14 5BX The Catherine Wheel, 35 Cheap St, RG14 5DB The Lock Stock & Barrel, 104 Northbrook St, RG14 1AA Slug & Lettuce, 1-3 Wharf St, RG14 5AN The Elephant at the Market, 8 Market Pl, RG14 5BD The Dolphin, 113 Bartholomew St, RG14 5DT The Globe, 148 Bartholomew St, RG14 5HB Document House, 7-9 Wharf St, RG14 5AN Plough on the Green, The Folly RG14 7HY The Coopers Arms, Bartholomew St, RG14 5LL Cross Keys, London Rd, RG14 1JX The Monument, 57 Northbrook St, RG14 1AN The Lion, 39 West St, RG14 1BD The Red House, 12 Hampton Rd, RG14 6DB The Castle, Oxford Rd, Donnington, RG14 3AA The Newbury, 137 Bartholomew St, RG14 5HB The Hatchet Inn, 12 Market Pl, RG14 5BD Starting Gate, 75 Brummell Rd, RG14 1SG</p>	<p>Staff are trained to monitor and record customer behaviour, spend and time spent gambling and customer interactions are used to assess customer source of funds/income where relevant.</p> <p>Customer interactions may result in the customer being guided to gambling support services such as Gamcare; encouraged to use a self-help tool to assist them with managing their gambling behaviour, such as the Playright App or Self-Exclusion.</p> <p>All customer interactions are recorded on the IHL SMART Tablet Interaction App, this data is collated centrally and regularly reviewed by an independent team of compliance auditors.</p> <p>Player Protection <i>To identify signs associated with problem gambling and people who may be at risk of gambling related harm</i> <i>Failure to provide information to customers on responsible gambling</i> <i>Failure to maintain and administer the self-exclusion process, including breaches and reinstatement reviews</i></p> <p>Staff are aware of the importance of social responsibility and are trained to offer advice to customers on gambling responsibly and the identification of potential gambling harm.</p> <p>'Stay in Control' Posters and Leaflets containing the Gamcare helpline number are located in prominent locations within the premise and in private areas, such as customer toilets.</p> <p>Playright App available for customers to self-manage their play and spend and is able to send alerts to Merkur Slots Newbury if the customer enters at a time they have chosen not to play which instigates an interaction with the customer. Merkur Slots will actively seek to support and be involved in any local initiatives targeted at reducing harm caused by gambling</p> <p>Socially Responsible messaging is implemented on all digital B3 and Cat C machines.</p> <p>All machines display Gamble Responsibly stickers with helpline contact details.</p> <p>Senior Management are members of the Bingo Association Executive and Social Responsible Committees and BACTA Divisional and Social Responsible Committees. They take the opportunity to actively participate with these trade bodies, collaborating with other operators to promote responsible gambling initiatives including the development of an Accredited Gamcare training programme and the Machine Messaging trial and evaluation.</p>
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	<p>Cobrizo Lounge, 12 Northbrook St, RG14 1DJ Toby Carvery, 110 London Rd, RG14 2AJ</p>	<p>Deprivation Whilst the premise may be near or in an area of relative deprivation, Merkur Slots takes the view that individual customers must be treated holistically and the information provided in this document are designed to identify individuals that could potentially be at risk of gambling related harm Merkur Slots operates on the basis that its controls and best practice is adopted at all times, therefore it is not a question of degrees of vigilance being implemented in different areas.</p> <p>Homelessness Some premises are used by the homeless for warmth and company. Merkur Slots treats all customers with dignity and has a clear policy on begging.</p> <p>Staff are trained to deal with vulnerable people in a sympathetic manner, any difficult cases are referred to our compliance team for review and resolution.</p> <p>Staff are trained how to manage situations with homeless people seeking refuge.</p> <p>A line of contact will be created with local high risk premises, homeless shelters and foodbanks to provide social responsibility information.</p>
<p>Preventing gambling being a source of crime or disorder, being associated with crime and disorder or being used to support crime</p>	<p>Crime statistics: Market Place, Newbury, RG14 5AA is within the Newbury Town Centre policing neighbourhood, under the Thames Valley Police force area. In June 2020 108 crimes were committed within half a mile of the Centre of Market Place: Violence and sexual offences (33), Anti-social behavior (26), Public order (11), Burglary (10), Criminal damage and arson (8), Vehicle crime (5), Theft (4), Other crime (4), Bicycle theft (2), Drugs (2), Shoplifting (2), Possession of weapons (1). No incidents have been reported on Market Place. There were 2 policing priorities issued in September 2019 both related to drinking and anti-social behavior. First one was on Newbury Road Island (increased patrols and liaison with the local pub landlord was implemented) and second one in shop doorway in Town Centre (Steering Group formed, building owners traced and community-backed group boarded the doorway). Crime Statistics in Market Place, Newbury has significantly improved since 2015.</p>	<p>Premise Security and violence in the workplace <i>Poor security control measures which may increase vulnerability to crime</i> <i>Failure to protect employee and customers from harm during the hours of late night opening</i></p> <p>Merkur Slots Newbury is subject to a separate security risk assessment, local factors are considered and proportionate control measures/physical security measures are installed.</p> <p>Merkur Slots Newbury will be fitted with a HD CCTV system with coverage of all public areas including all entry and exits points, CCTV will be clearly advertised to customers with screens visible by staff when working in the service area. Ability to review CCTV remotely and provide footage to relevant parties when required.</p> <p>Floor layout will be designed to avoid blind spots to enable the active management and observation of customers entering and leaving the premises, from the central service area the entrances, machines and toilets can be observed and staff will regularly patrol the gaming floor to supervise and interact with customers to identify underage or vulnerable persons.</p>

<p>Local Police: Thames Valley Police, 12 Mill Lane, RG14 5QU Local Police have no concerns regarding opening new Merkur Slots on Market Place, Newbury. There is some disorder in the local area due to late night economy but not gambling related.</p> <p>Public Houses and Alcohol Licensed Premise Walkabout, 42 Cheap St, RG14 5BX The Catherine Wheel, 35 Cheap St, RG14 5DB The Lock Stock & Barrel, 104 Northbrook St, RG14 1AA Slug & Lettuce, 1-3 Wharf St, RG14 5AN The Elephant at the Market, 8 Market Pl, RG14 5BD The Dolphin, 113 Bartholomew St, RG14 5DT The Globe, 148 Bartholomew St, RG14 5HB Document House, 7-9 Wharf St, RG14 5AN Plough on the Green, The Folly RG14 7HY The Coopers Arms, Bartholomew St, RG14 5LL Cross Keys, London Rd, RG14 1JX The Monument, 57 Northbrook St, RG14 1AN The Lion, 39 West St, RG14 1BD The Red House, 12 Hampton Rd, RG14 6DB The Castle, Oxford Rd, Donnington, RG14 3AA The Newbury, 137 Bartholomew St, RG14 5HB The Hatchet Inn, 12 Market Pl, RG14 5BD Starting Gate, 75 Brummell Rd, RG14 1SG Cobrizo Lounge, 12 Northbrook St, RG14 1DJ Toby Carvery, 110 London Rd, RG14 2AJ</p> <p>Pawnbrokers and Loan Shops Gold Buying Shop, 2 The Arcade, RG14 5AD CEX Exchange, Unit 34, The Kennet Centre, Newbury RG14 5EN</p> <p>Gambling premises Coral, 5-7 Market Pl, Newbury RG14 5AA Megabet, 153 Bartholomew St, RG14 5HB Ladbrokes, 60 Northbrook St, RG14 1AH Casino Slots, 45 Northbrook St, RG14 1DT</p>	<p>General Crime and Disorder <i>To identify aggressive customers to prevent crime and disorder Awareness of local crime issues in the local area</i></p> <p>We have reviewed the Police UK hot-spot mapping for Newbury Town Centre and are aware of the areas of Recorded Crime, Vulnerable People and Vulnerable Places and are very mindful of the potential damage associated with problem gambling. We will make every effort to liaise with Thames Valley Police over reducing our involvement in any incident.</p> <p>Staff are trained to identify suspicious activity and have the ability to interrogate real-time machine data to identify criminal activity and fraudulent incidents which are logged and escalated where appropriate.</p> <p>All incidents are recorded on the IHL SMART Tablet Incident App Inc. crime reference number where applicable.</p> <p>Staff are trained on how to deal with aggressive customers and situations which may also require police assistance.</p> <p>The company operate an internal security alert system and are registered with trade associations for crime bulletins (Bingo Association and BACTA).</p> <p>Machine data is captured in real-time and full secure cash reconciliation is completed on a weekly basis, the machine exceptions are monitored by a centrally based income protection team and all exceptional cash losses are investigated by the internal audit compliance team.</p> <p>Merkur Slots Newbury will participate with any local/town centre scheme and actively seek to support and be involved with any local initiatives targeted at reducing crime and/or disorder and will engage in the sharing of information with other businesses to support the local community.</p> <p>Anti-social behaviour outside the premise Whilst Public Nuisance is not a Licensing Objective and the Gambling Commission has made clear that 'disorder' means serious disorder, Merkur Slots recognise that public nuisance can escalate in certain circumstances and as a corporate citizen, it has a responsibility to work in partnership with local residents and authorities to reduce environmental impacts.</p> <p>Staff are aware to monitor the outside of the premise and surrounding area for anti-social behaviour and take appropriate steps within reason to minimise the risks.</p>
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Residential Areas (Impacted by Anti-Social Behaviour)

The area containing Market Place, Newbury consists predominantly of flats, with higher than average level of social housing. 44% of properties in local vicinity are privately rented and households are mainly occupied by a single person. There was no crimes reported on Market Place, Newbury in June 2020 but 26 Anti-social behavior incidents were reported within half a mile from RG14 5AA postcode.

Incidents of anti-social behaviour are recorded on the IHL SMART Tablet Incident App.

Staff are trained to be extra vigilant where there is clear evidence of continued anti-social behaviour occurring in the vicinity and encourages a partnership approach with local authorities.

Where short term risk is created by young people congregating nearby or attempting to enter the premise staff are trained to closely monitor the entrance. In extreme cases the maglock system would be deployed.

Money Laundering

Failure to identify the occurrence to launder money on our premises (e.g. dyed stained notes, fake notes, foreign coins) and to adhere to reporting policies and procedures.

Merkur Slots has a designated Anti Money Laundering Officer (AMLO) and AML polices with clear escalation and reporting processes.

There 1 pawnbroker and loan shop in the vicinity, staff are trained to monitor and record customer behaviour, spend and time spent gambling and customer interactions are used to assess customer source of funds/income where relevant, enhanced scrutiny will be implemented where concerns of criminal activity or association of are suspected. Any suspicious activities are reported to the nominated officer who will report to NCA where appropriate.

IHL SMART Tablet AML App is used to record AML incidents with emails alerts sent directly to the AMLO.

Security alerts and photos of suspects are shared with other operators. CCTV systems available for additional monitoring of activity and MARS (machine data capture system) provides individual transactions and fraud alerts for suspicious activity.

Anti-fraud analysis on MARS (machine data capture system) identifies suspicious gaming activity.

Adequate staff will be maintained at all times and subject to regular review and risk assessment.

Any period of single-staffing is managed by the lone-working policy, locked door policy, remote monitoring of CCTV and keeping in touch policy.

Merkur Slots Newbury will operate T1to machines with a central redemption change machine GeWeTe, the GeWeTe is fitted with a duress code facility and built in time delay.

Staff do not carry cash floats and only management can open the machines and change machines.

Venue and machine keys are secured in a time delay safe accessible only by Duty Management.

The premise and staff will be protected by a Staffguard security system, Maglock and intruder alarms will be installed.

Staff are trained to deal with incidents of a criminal nature and aggressive persons. There are support mechanisms available to staff, including counselling and an Employee Assistance Programme.

Alcohol and Drugs

Anti-social behaviour caused by alcohol is not tolerated within our premises and there are comprehensive security and reporting processes to escalate, report and deal with any issues as they arise.

'No Alcohol Allowed' signage on the door.

Drug misuse is not tolerated within the premise and in locations where there is heightened risk, the toilets are locked with access monitored and controlled by the staff.

Staff are aware to refuse access to any person who is or appears to be under the influence of alcohol or drugs, or adopting anti-social behaviour, any such incident will be logged on the IHL SMART Tablet Incident App and depending on severity will be reported to the police.

Staff are trained to be extra vigilant where there is clear evidence of street drinking in the vicinity and encourages a partnership approach with local authorities.

Maglock systems will be deployed during times of public houses closing.

Money Lending

Money lending is not tolerated within our premises.

Suspensions of organised money lending by illegal money lenders are escalated to the audit compliance team and onwards to local authority money lending teams.

Ensuring that gambling is conducted in a fair and open way

Bingo/Gaming Machine and Supervision

The premise will operate under a Bingo Licence, with proprietary bingo equipment, and a range of category B3 (max stake £2/prize £500), C (max stake £1/prize £100) and D (max stake 10p/prize £5) machines (company average stake is 30/40p). Bingo will be available by means of G-Tab tablets offering a range of Bingo products and Live calling.

Customer Complaints

Failure to prevent customers complaints and disputes regarding gambling within our premises

Failure to resolve customer's complaints and disputes regarding our gambling premises.

Merkur Slots operate a clear customer complaints policy both within venues and via a customer complaints link on the website.

The Company Code of Practice and Complaints and Disputes Policy will be displayed on the Customer Information Board at the entrance with leaflets available within the premise - ADR provider is IBAS.

Complaints management policy in place for written, telephone and complaints received via the 'customer complaints' link on company website.

Complaints portal used to collate and manage responses.

4 stage complaints procedure with ADR entity Independent Betting Adjudication Service Ltd (IBAS) for unresolved complaints.

Staff are trained and encouraged to use positive discretion to resolve customer complaints in venue.

Marketing

Merkur Slots promote responsible gambling and social responsibility throughout all marketing campaigns.

Marketing and Promotional activity complies with LCCP and standards set by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP).

External windows will have digital marketing screens which will display safer gambling messages, No Under 18's allowed, Think 25, Bingo Played Here, opening times and promotional activity.

All marketing campaigns are reviewed for appropriateness before being launched. No advertising is used that depicts images that may appeal to children.


<p>Other</p>	<p>Places of worship and Religious Buildings St Nicolas Church, W Mills, RG14 5HG Newbury Baptist Church, Cheap St, RG14 5DD Newbury URC Church, 2 Cromwell Place, RG14 1AF Newbury Methodist Church, 56 Northbrook St, RG14 1AN St John's Church, St John's Rd, RG14 7PY Kennet Christian Centre, 12 Erborne Rd, RG14 6AH St Joseph's Catholic Church, 105 London Rd, RG14 1JP Newbury Central Mosque, 33 Pound St, RG14 6AE</p>	<p>Ethnicity and Local Area Demographic Merkur Slots does not discriminate on the ground of ethnic or social demographic, takes a holistic approach to customers and is aware that the Equality Act precludes the exclusion of any group for generalised reasons.</p> <p>Local area profiles which detail deprivation, social, ethnic or population may be used as part of the risk assessment in relation to gambling related harm in conjunction with the company standard controls.</p> <p>Merkur Slots will participate with any local/town centre scheme and actively seek to support and be involved with any local initiatives targeted at reducing deprivation (crime/employment/health) and engage in the sharing of information.</p> <p>Training & Social Responsibility Merkur Slots take responsible gambling and social responsibility seriously, ensuring all staff are fully trained to carry out their roles in a responsible manner.</p> <p>Two National Training Centres and a dedicated Learning and Development Team.</p> <p>Bingo Association, Gamcare Accredited training completed by management.</p> <p>All staff complete on boarding and 6 monthly refresher training: The Essentials of Compliance, Safeguarding Children and Vulnerable People; Age Verification and Customer Interaction.</p> <p>Staff are aware of the importance of social responsibility, trained to advise customers of gambling responsibly and identifying potential problem gamblers.</p> <p>Compliance Social Responsibility Folder and Player Protection Framework containing policies and procedures is available to all staff. Venue Mangers review compliance logs monthly, Area Managers Bi monthly and Compliance Auditors twice yearly.</p> <p>COVID 19 All staff receive training on COVID-19 guidelines.</p> <p>Control measures clearly displayed at the entrance, temperature checks prior to entry and hand sanitisers available on entrance and throughout premise.</p> <p>Masks made available to customers. Appropriate social distancing signage throughout the gaming area and maximum capacity limits enforced.</p> <p>COVID-19 Daily Check, B3 Ratio Check and Customer Track and Trace will be recorded on the IHL SMART Tablet.</p>
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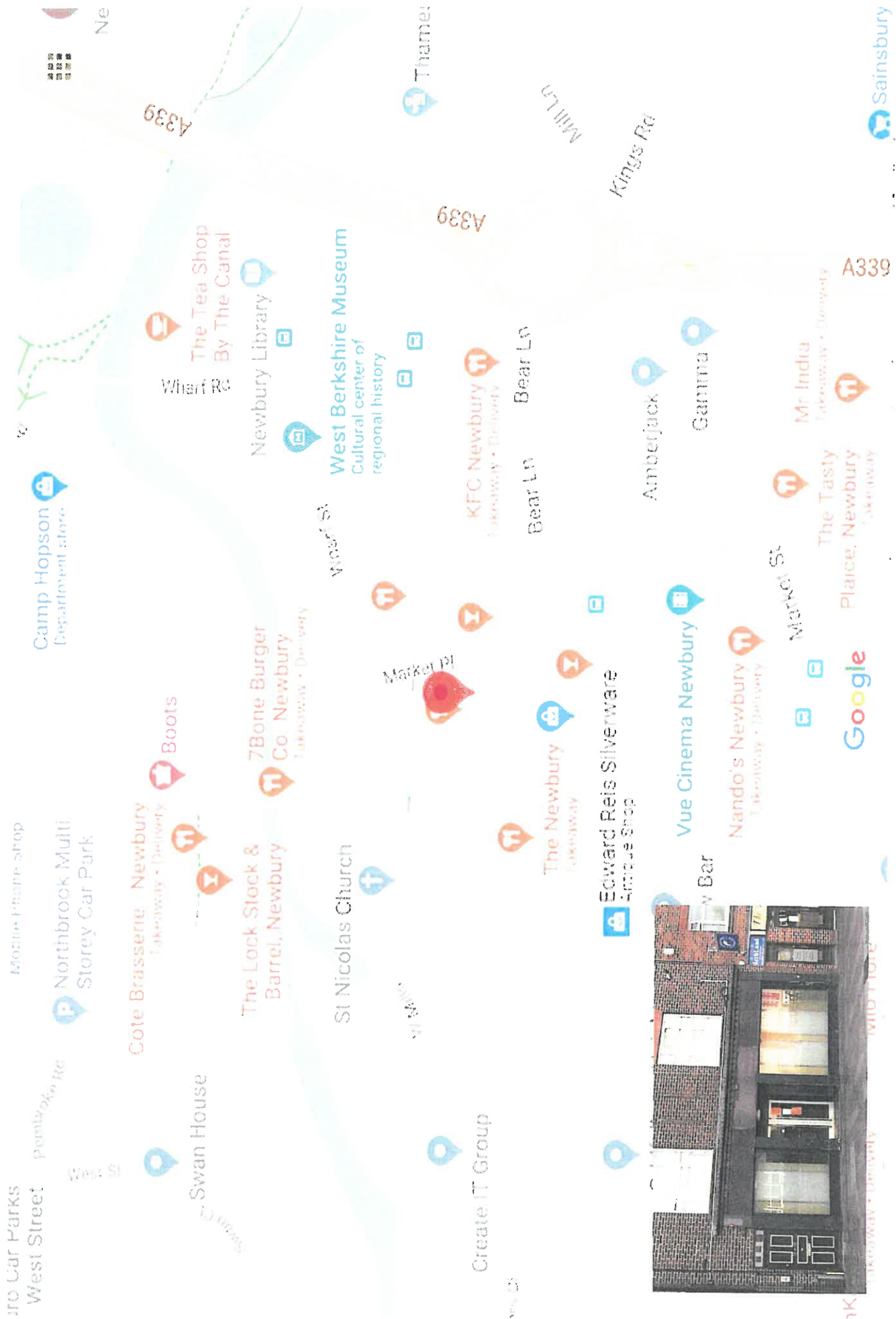
Merkur Slots Premise Layout

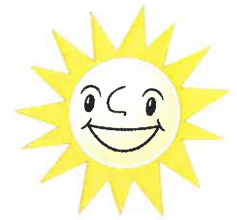
Premise level:	Ground floor premise on the Market Place, Newbury.
Premise frontage:	Merkur Slots Newbury will be of a style which obscures the interior with digital Marketing Screens displaying safer gambling messages, no under 18's, opening times. Marketing and promotions will comply with LCCP and standards set by the Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP).
Counter Position:	Merkur Slots Newbury will have a floor layout will be designed to avoid blind spots to enable supervision of entrances and machines from the central service area and staff will regularly patrol the gaming floor to supervise and interact with customers and identify underage or vulnerable persons.
Floor layout:	Merkur Slots Newbury floor layout will be designed to avoid blind spots to enable the active management and observation of customers entering and leaving the premises, from the central service area the entrances, machines and toilet can be observed and staff will regularly patrol the gaming floor and interact with customers allowing identification of underage and vulnerable persons. 'Stay in Control' Posters and Leaflets will be located in prominent locations within the premise.
Machine Positions:	Merkur Slots Newbury will operate under a Bingo Licence, with proprietary bingo equipment, and a range of category B3 (max stake £2/prize £500), C (max stake £1/prize £100) and D (max stake 10p/prize £5) machines (company average stake is 30/40p). Bingo will be available by means of G-Tab tablets offering a range of Bingo products and Live calling.
Hidden Areas:	Merkur Slots Newbury will be fitted with a HD CCTV system with coverage of all public areas including all entry and exits points, CCTV will be clearly advertised to customers with screens visible by employees when working in the service area.

This document provides an assessment of risk at premise level relating to the provision of these facilities for gambling. Praesepe is a national operator and employs a number of standard policies, procedures and control measures across all premises. These issues are clearly articulated in the "Compliance Manual"; to be found in the premise and in our Player Protection Framework. The company also carries out premises security risk assessments (available on request) and health and safety risk assessments which inter alia relate to the objective of keeping crime out of gambling.

Where relevant, Praesepe has also taken into account any substantive local risks identified in a wide range of policy statements related to gambling and local area profiles specifically related to gambling. However the company does not operate discriminatory policies against any identified groups based on social demographic or ethnic origin. Therefore identification of issues relating to gambling related harm are based on individual customer behaviour; even where particular groups are identified through research at being at greater risk of gambling related harm.

Assessors Name:	Amanda Kiernan
Signature:	
Date:	8 th August 2020





THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT 2005

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Objective 1 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

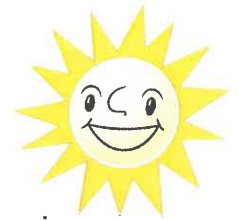
- Cashino Gaming Limited is aware that it must notify the Gambling Commission should we suspect that offences under the Gambling Act 2005 are being committed.
- Cashino Gaming Limited complies with the Commission's advice on the Proceeds of Crime Act 2002.
- Cashino Gaming Limited has completed its own Business Anti-money laundering risk assessment, local area risk assessments and implements anti-money laundering policies and procedures.
- If we suspect anyone of using our premises for the furtherance of criminal activity (for instance drug dealing, using counterfeit money, selling suspected stolen property and criminal damage) we will contact the police immediately, report to our Head of Compliance and record the instance in the AML and Incidents modules of the electronic Smart Tablet system.
- All Cashino Gaming Limited premises operate digital CCTV and customer areas are supervised.
- Cashino Gaming operates a group-wide Security Alert system where incidents are shared instantly with all licenced premises. We have an internal Fraud Measures Team that respond to and investigate incidents. As a BACTA member, we receive nationwide Security Alerts, which are circulated via the Security Alert system to all licenced premises.
- The employees in Cashino Gaming premises are required to carry a portable alarm which is provided by Staff Guard, a nationwide security company that offers 24hr support via a monitoring centre with fully trained operatives who advise on difficult situations and escalate appropriately.
- Cashino Gaming Limited has an extensive security, audit and money laundering team monitoring employees and customer activity.
- All Cashino Gaming employees complete six-monthly refresher training which covers this licencing objective; anti-money laundering policies and procedures; and guidance on the Proceeds of Crime Act 2002.
- Cashino Gaming operate a robust late night working policy, which is fully supported by a full-time Night Manager.
- Cashino Gaming does not operate a single-manning policy between 8pm and close, however, should an emergency occur a 'locked door' and 'keep in touch' policy is implemented.

Objective 2 - Ensuring that gambling is conducted in a fair and open way.

- Our gaming rules are prominently displayed in each of our licensed premises.
- Our employees have a full understanding of machine gaming rules.

Cashino Gaming Limited

Operational Standards



- We encourage customer-facing employees to use positive discretion to resolve customer issues at a local level, where possible.
- Our Customer Complaints procedure is displayed prominently in every venue. Where customer disputes cannot be resolved satisfactorily, we refer all potential disputes to our appointed Alternate Dispute Resolution provider (IBAS).
- All venue managers attend our National Training Centre for a thorough induction programme prior to taking on responsibility of their own venue and team.
- All licensed premises employees receive induction and six-monthly refresher training during the course of their employment to ensure that potential issues can be addressed at the earliest opportunity.

Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling

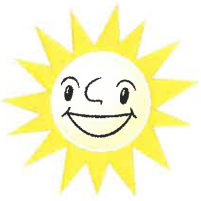
- All our licensed premises are strictly adult only and we provide appropriate notification on entry, on all marketing material and throughout our premises.
- We operate a Think 25 policy as standard and all employees are trained to request a photographic form of identity if they suspect that a customer is under age. All challenges are recorded on our Smart Tablet system under Age Verification Checks and Check Policy are our third-party independent partner for compliance testing.
- All licensed premise employees receive induction and six-monthly refresher training during the course of their employment on social responsibility and safeguarding children and vulnerable people, with a particular focus on the prevention of harm.
- We prominently display information throughout our licensed premises on responsible gambling and provide details of organisations that can provide support and guidance such as BeGambleAware.
- Playright is installed in all licensed premises - this is a self-help App available to customers to enable them to manage spend and play time.
- Socially Responsible messaging is implemented on B3 and Category C digital machines.
- All licensed premise employees are trained to identify potential at risk customers and conduct effective interactions. Customer interactions are recorded on the Interactions module on the electronic Smart Tablet and reviewed centrally by the Compliance team.
- We implement a self-exclusion policy throughout our licensed premises and operate a Smart Tablet system for recording self-exclusions, reinstatements and breaches. We are also members of the Bingo Association Multi-Operator Self-exclusion Scheme.
- The layout of our premises is designed to facilitate customer supervision by employees.
- We provide an annual donation in support of research, education and treatment of problem gambling.

All three licensing objectives are embedded at all levels within the organisation via training both on-line and face to face, during Operational meetings, Business Bulletin communications, Compliance/Audit visits and annual conferences.

WORKING TOGETHER



THE PRAESEPE GROUP



PART OF THE GAUSELMANN GROUP A Strong Partner For More Than 60 Years



Praesepe is a subsidiary of the family run Gauselmann Group who are based in Espelkamp (Germany). Over the last 60 years the group has grown to operate more than 700 venues across Europe under the Merkur Brand. Millions of enthusiastic guests at home and abroad know our logo. The laughing MERKUR Sun is a guarantor for the best Entertainment.

Praesepe employs over 1,600 people (61% female*) over the 5 Bingo Clubs, 160 High Street Gaming centres (73 High Street Bingos and 87 Adult Gaming Centres) and 5 Family Entertainment Centres under three main brands:



Merkur Cashino is an established brand in the UK and represents the very best in terms of exciting “slot gaming” and high street bingo entertainment through delivering to our customers the latest in venue product and atmosphere. These venues are known for their highly trained teams and first class face to face service.



Merkur Slots is a new up and coming brand in the UK bringing the latest fun slots & bingo experience in smaller sized high street locations.



Beacon Bingo clubs are very important to our customers in their local communities. Our teams strive to deliver not just great service but a bingo experience which focusses on ambience, safety and fun in a modern environment. The flagship venue at Cricklewood, in North London, is the largest in Europe.

HIGH STREET BINGO



What is it?

Bingo is one of the UK's favourite pastimes and Praesepe is one of the UK's largest operators of licensed bingo and arcade premises. Our High Street Bingo Venues:

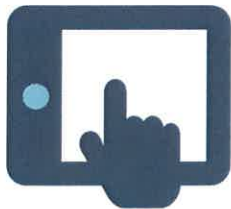
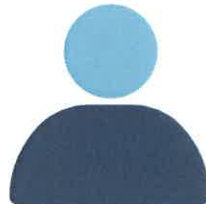


Offer more local, convenient locations to play Bingo rather than travelling to larger clubs.



Our customers can attend and play bingo at any time with the numbers auto-called.

Our teams remain with the customers on the venue floor rather than behind a counter.



The market on the high street has evolved with venues now providing Electronic Bingo Tablets.



Bingo is available for play from 9am until midnight.

Our Bingo terminals offer B3, Cat C and Cat D products with an average stake of between 30-40p stake.



Bingo Terminals



Think 25

RESPONSIBILITY IS THE FOUNDATION OF OUR BUSINESS

Think 25 Messaging



Players in Venue



We Are Not A Problem

Being a responsible operator is high priority across the Gauselmann group and in the UK Praesepe is always looking at ways to adhere to the three licensing objectives as technology and customer behaviour changes.

GAMBLING COMMISSION

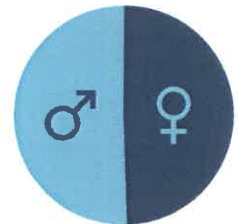
Praesepe is regulated by the Gambling Commission and Licensing Authorities



We provide complimentary refreshments, teas and coffees, to customers and do not sell alcohol. Our staff will not allow anyone into the premises who appears to be intoxicated.



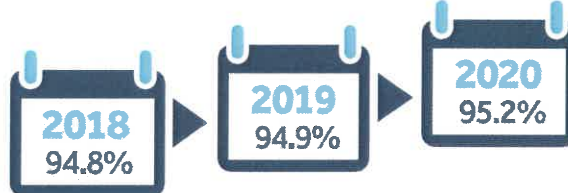
We are immensely proud of the fact that we have never had a licence revoked or even reviewed. Incidents are extremely rare. We simply do not generate noise and anti social behaviour.



Our venues operate a Think 25 policy whereby any person's who look under 25 have to produce a form of photo ID.



Our venues appeal to all ages with our membership gender database split of 52 % Male / 48% Female



Our venues have 3 external age test visits per year with a compliance rate of over 94% for the last 3 years, compared to other industries that sit around 80%.

SOCIAL RESPONSIBILITY MEASURES IN PLACE



In Venue

Operationally we have a number of measures in place to protect our customers. Throughout the business Praesepe also has a number of socially responsible gambling tools, management and training that include:



All staff complete on-boarding and six-monthly refresher training on “The Essentials of Compliance and Social Responsibility” and “Safeguarding Children and Vulnerable People”.



Dedicated Learning & Development Team and National training centres.

IHL SMART tablet in every venue for the recording of customer interactions, self-exclusions, incidents and alerts.



All Data is centrally reviewed and evaluated by an independent Audit/Compliance team.



Six monthly compliance audits to help identify training needs in venue.

Local Area Risk Assessments are updated annually to identify any changes in the local area.



PlayRight app installed in all venues that is a self help tool for customers to manage their gambling.

Compliance



Training Centre



PlayRight App



Online Training





SOCIAL RESPONSIBILITY MEASURES IN PLACE

Machine Messaging



Customer Interaction Training



All Levels

We provide an annual assurance statement to the Gambling Commission. This officially details the Board’s commitment to the company values, purpose and culture and the accountability placed on delivery of the licensing objectives.



The statement contains information on how we operate effective governance, regulatory risk management, compliance controls, social responsibility and safer gambling initiatives.



It is also an opportunity to set out any initiatives relating to significant changes being introduced to improve control systems, risk-management, governance and safer gambling – Our recent commitments include; Socially Responsible Machine Messaging; Customer Set Your Limits; SMART Alert application to report criminal activity; opening our Second National Training Centre; Think 25 messaging and Customer Interaction Training.

Praesepe also engages with the [Bingo Association](#) and [Bacta](#) trade groups:



- Senior Manager representation Divisional meetings.
- Operations Director is the Vice Chair for division 3 representing Adult Gaming Centres.
- Member of the National Council.
- Head of Compliance is Vice Chair of the Social Responsibility Committee.



- Operations Director and Head of Compliance are Directors.
- Head of Compliance is a member of the Social Responsibility Committee.

BENEFITS TO THE HIGH STREET



Benefits for your High Street Include:



Investment from £100,000 to £250,000 in long standing vacant venues.



Increased footfall to the high Street.



Linked trips with other shops helping to support other businesses.



Local jobs of between 6 and 12 people depending on the hours of operation.



We provide an important natural surveillance on the high street, particularly late into the evenings.

COMMUNITY & CHARITY



Praesepe has raised in excess of £1.2m for good causes since 2005 and currently supports the Bacta Charitable Trust.

Please contact us.

Praesepe PLC
Seebeck House
1A Seebeck Place
Knowhill
Milton Keynes
MK5 8FR

phone 01908 351200
email info@praesepeplc.com



G-TAB Bingo



**Bringing Traditional Bingo
to the High Street**

G-Tab is a multi-purpose gaming device offering live link Bingo Games, Bingo Variant Games and participation in the National Bingo Game which is played twice daily. Bingo tablets are bingo machines that provide games of both remote and non-remote bingo with remote bingo being the linked games operated via WiFi and the internet on licensed premises. Complies with the appropriate Gambling Commission Technical Standards and Machine Guidance.

Standalone Tablet Terminal

Bingo numbers announced and shown live on the top display



Charges to play clearly displayed



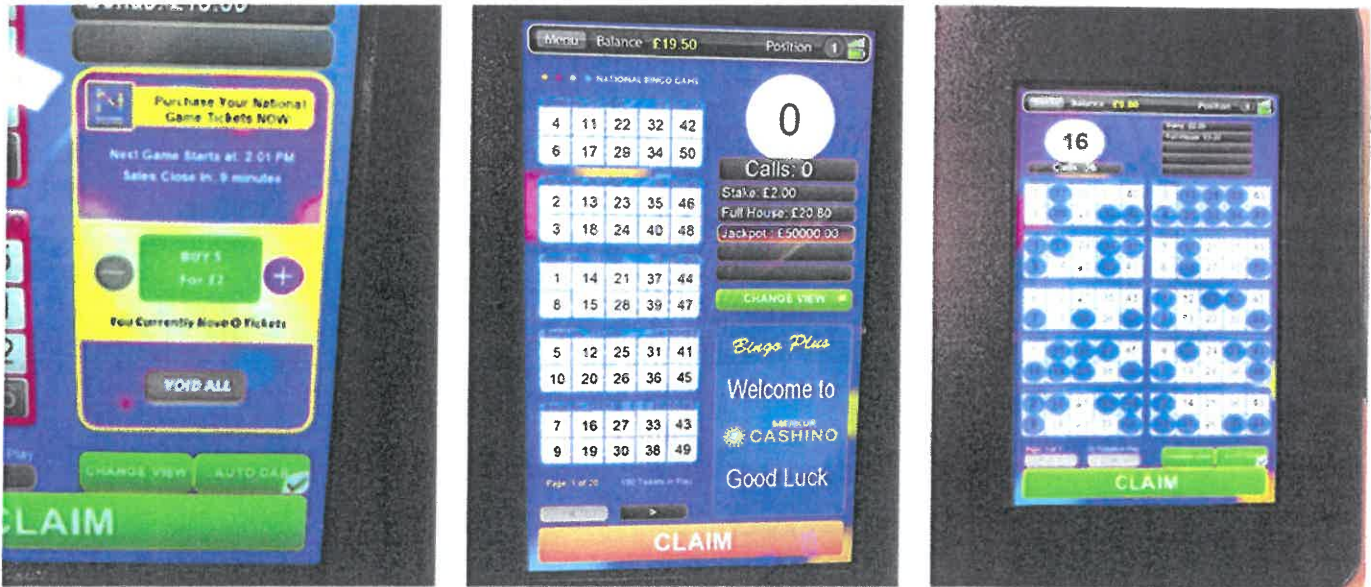
Requires customer interaction to credit the device and cash out



Customers cannot stake-up once game has commenced

“Making all traditional forms of Bingo like ‘Shutter Bingo’ played at the sea-side or ‘main-stage’ Bingo played in Clubs available”

National Bingo Game, linked to all Bingo Clubs (such as Mecca and Buzz) played twice daily (2pm and 7pm) at £2.00 for 5 tickets, maximum tickets 100 per position, making £40 maximum stake which is within the Bingo Association guidelines. Prize money including the National Jackpot is based on the number of cards in play, including bonus lines and is clearly displayed on the main display caller's unit, prior to the game commencing and on the individual tablets throughout the game.



Live Link Bingo played throughout the day from 50p for 3 cards, maximum 15 cards per position, making maximum stake of £2.50 per game. The prize money, based on number of cards in play, including bonus lines is clearly displayed on the main display caller's unit, prior to the game commencing, and on the individual tablet throughout the game.

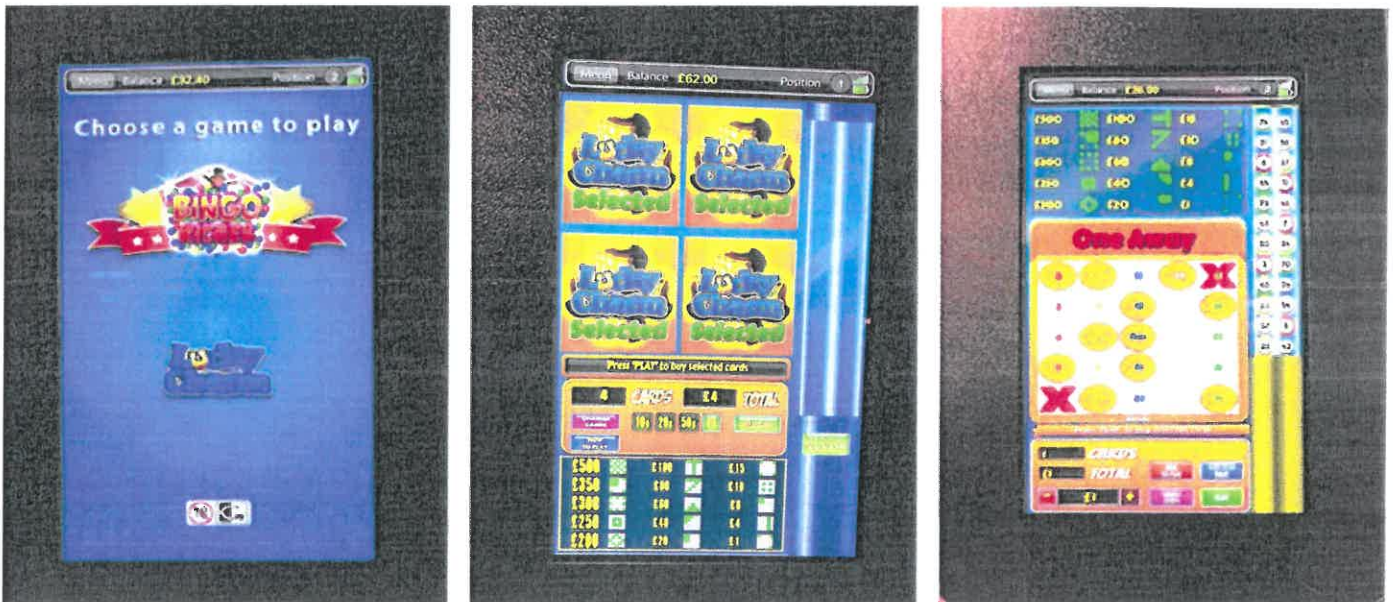


Bingo Variant (BV) Games are available 9:00 till midnight. The game of bingo stands alone on the tablet and does not connect via remote communication to a server or link to games across premises.

Bingo Riches: play from 10p (25p/50p/£1 options) per card, maximum 4 cards, so maximum stake £4 per game, fixed odds bingo game, with 24 bingo balls drawn and marked off various patterns to give a varied winplan, maximum prize £40 on 10p stake.



Lucky Charm: play from 10p (20p/50p/£1 options) per card, maximum 4 cards, so maximum stake £4 per game, fixed odds bingo game, with 24 bingo balls drawn and marked off various patterns to give a varied winplan, maximum prize £50 on 10p stake.



Low stake games:

The device also offers the player a choice of games – Slots and Casino style games - which can be played from as little as 5p (maximum £1) a game all of which comply with Cat C technical standards.



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Other provisions and legislation

- 4.7** Conditions on premises licences should relate only to gambling, as considered appropriate in light of the principles to be applied by licensing authorities under s.153 of the Act. Accordingly, if the Commission's [Licence Conditions and Codes of Practice \(LCCP\)](#) or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not necessary or appropriate to impose similar conditions on a premises licence issued in accordance with the Act.
- 4.8** Similarly, where other legislation confers powers on inspection and enforcement agencies in relation to separate activities or concerns, the Act does not affect the continued use of such powers, for example, the powers of an environmental health officer in respect of statutory nuisance under the Environmental Protection Act 1990.

Licensing authority decisions

- 4.9** S.153 provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it is:
- a. in accordance with any relevant code of practice under s.24
 - b. in accordance with any relevant guidance issued by the Commission under s.25
 - c. reasonably consistent with the licensing objectives (subject to a and b above)
 - d. in accordance with the licensing authority's statement of licensing policy (statement of policy) (subject to a to c above).
- 4.10** Therefore, a licensing authority has no discretion in exercising its functions under Part 8 of the Act, to grant a premises licence where that would mean taking a course which it did not think accorded with the Guidance contained in this document, any relevant Commission code of practice the licensing authority's own statement of policy or were reasonably consistent with the licensing objectives.

Delegations

- 4.11** The decision making powers of licensing authorities may be delegated, as set out in s.154 of the Act for England and Wales and s.155 for Scotland. Decisions that are delegated to a licensing committee, may be further delegated to a sub-committee, which may then arrange for the decision to be taken by an officer of the authority.
- 4.12** It is open to licensing committees to choose not to delegate decisions. An important consideration in determining whether any particular decision should be delegated will be whether delegation might give rise to a risk of judicial review challenge, particularly on the basis of appearance of bias.
- 4.13** The tables at Appendix G set out a summary of licensing authority delegations permitted under the Act for England and Wales, and for Scotland.

Part 5: Principles to be applied by licensing authorities

Licensing objectives

- 5.1 In exercising their functions under the Act, particularly in relation to premises licences, temporary use notices and some permits, licensing authorities must have regard to the licensing objectives set out in s.1 of the Act, namely:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.2 It is expected that the licensing authority will have set out their approach to regulation in their statement of policy, having taken into account local circumstances. This is dealt with in more detail at Part 6.

Objective 1 : Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 5.3 Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. For example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the licensing authority should think about what, if any, controls might be appropriate to prevent those premises being associated with or used to support crime. That might include conditions on the premises licence, such as a requirement for door supervisors. The requirement for conditions might be determined by the operator's own risk assessment or the local area profile carried out by the licensing authority, as detailed in Part 6.
- 5.4 A licensing authority will need to consider questions raised by the location of gambling premises when:
- formulating its statement of licensing policy
 - receiving relevant representations to an application
 - dealing with applications as a responsible authority in its own right
 - considering applications before it.
- 5.5 In the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.
- 5.6 Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. However, if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.
- 5.7 Of course, licensing authorities are experienced in making judgements in relation to the suitability of premises, particularly those for which they have responsibilities under the Licensing Act 2003 / Licensing (Scotland) Act 2005, in which context they have wider powers to also take into account measures to prevent nuisance.

- 5.8** In relation to preventing disorder, licensing authorities have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act. If a person employed on door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence. Further information on conditions on premises licences can be found in Part 9 of this Guidance.
- 5.9** There are a number of voluntary initiatives that the gambling industry participates in to address issues such as underage access, staff safety and security. These change from time to time and licensing authorities are advised to check with local operators, for example when conducting inspections, as to which (if any) scheme the operator is a part of. Further information can often be found on the website of industry trade associations⁵.
- 5.10** Licensing authorities do not need to investigate the suitability of an applicant for a premises licence, including in relation to crime. The issue of suitability will already have been considered by the Commission, because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued. However, if the licensing authority receives information during the course of considering a premises licence application or at any other time, that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.

Objective 2 : Ensuring that gambling is conducted in a fair and open way

- 5.11** Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. However, if licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.
- 5.12** In relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Further information can be found in Part 20 of this Guidance.

Objective 3 : Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 5.13** In exercising their powers under s.153, licensing authorities should consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling. The Commission would expect the operator and the licensing authority to work together to consider how any impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (eg bingo and family entertainment centre (FEC) premises) but which make gambling products and facilities available.

⁵ For example, The Safe Bet Alliance's Voluntary Code of Safety and Security National Standards for Bookmakers

- 5.14** Where a licensing authority considers the structure or layout of premises to be an inhibition or potential inhibition to satisfying this licensing objective, the licensee should consider what changes are required to ensure the risk is mitigated. Such changes might include the positioning of staff or CCTV, the use of floor-walkers and the relocation of the staff counter to enable direct line of sight. Licensing authorities will need to consider the proportionality of changes to the physical layout in relation to other measures that could be put in place.
- 5.15** If the operator fails to satisfy the licensing authority that the risks are sufficiently mitigated, it may be appropriate to conduct a review of the premises licence.
- 5.16** In relation to casinos, the Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by s.176 of the Act. The code of practice is available as part of the [Licence Conditions and Codes of Practice](#) (LCCP) In accordance with s.176 of the Act, adherence to the code will be a condition of the premises licence. Further information can be found in Parts 9 and 17 of this Guidance.
- 5.17** The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define ‘vulnerable persons’ but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.
- 5.18** Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk that is reflected in the licensing authority’s statement of policy. Any such considerations need to be balanced against the authority’s objective to aim to permit the use of premises for gambling.

S.153 principles

- 5.19** S.153 of the Act provides that, in exercising its functions under Part 8 of the Act, a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:
- a. in accordance with any relevant code of practice under s.24 (ie the LCCP)
 - b. in accordance with any relevant guidance issued by the Commission under s.25 (ie this Guidance)
 - c. reasonably consistent with the licensing objectives (subject to a and b above), and
 - d. in accordance with the licensing authority’s statement of licensing policy (subject to a to c above).
- 5.20** Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with this Guidance, any relevant Commission code of practice, its own statement of policy, and the licensing objectives.
- 5.21** In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or this Guidance, and its own statement of policy or view as to the application of the licensing objectives, the structure of s.153 makes it clear that the Commission’s codes and this Guidance take precedence.

- 5.22 In determining applications for premises licences, the Act explicitly sets out two principles that licensing authorities should **not** have regard to:
- s.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application
 - s.210 (1) of the Act states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.
- 5.23 A licensing authority is therefore afforded significant scope to exercise its powers under s.153 on the grounds that it does not encroach on the two principles set out above.
- 5.24 The requirements in s.153 are subject to the licensing authority's power under s.166 to resolve not to issue casino premises licences. This means that a resolution not to issue a casino premises licence applies regardless of the matters set out in s.153.

Codes of Practice

- 5.25 The LCCP sets out the Commission's general licence conditions and associated codes of practice provisions under the Act. The codes of practice are set out within Part II of the LCCP.
- 5.26 To assist licensing authorities in determining premises applications and inspecting premises, [all the codes of practice](#) are also available as a single document. The codes specify a number of requirements, many of which relate to social responsibility issues and these may be of particular interest where a licensing authority has concern about matters such as protection of the young and vulnerable. It should be noted that the codes also apply to situations in which the gambling being offered is not normally the responsibility of an operating licence holder. Examples include the *Code of practice for equal chance gaming* and the *Code for gaming machines in clubs and premises with an alcohol licence*.

Good practice in regulation

- 5.27 Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation⁶ in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed. The Commission has regard to these principles in relation to its responsibilities and also has regard to the requirements of the Regulators' Code⁷. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.
- 5.28 The statutory principles of good regulation and the Regulators' Code also apply to local authorities, who are under a statutory duty to have regard to them when fulfilling their regulatory functions under the Act⁸.

⁶ Legislative and Regulatory Reform Act 2006, section 21

⁷ Regulators' Code (previously the Regulators' Compliance Code), Department of Business, Innovation and Skills, 2014, issued under section 23 of the Legislative and Regulatory Reform Act 2006

⁸ The Legislative and Regulatory Reform (Regulatory Functions) Order 2007, was amended by the Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009, which, amongst other things, extended the application of the 2007 Order to local authorities in Wales and Scotland exercising regulatory functions under the Gambling Act 2005 - see Parts 3 and 7

- 5.29 Guidance produced by the Better Regulation Delivery Office seeks to assist local authorities in interpreting the requirements of the Regulators' Code, for example in developing their Compliance and Enforcement Policy⁹, and in delivering risk-based regulation in relation to age restrictions¹⁰.

Human Rights Act 1998

- 5.30 The Secretary of State has certified that the Act is compatible with the European Convention on Human Rights. In considering applications, and taking enforcement action under the Act, licensing authorities should bear in mind that they are subject to the Human Rights Act 1998 and in particular:
- Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest
 - Article 6 – right to a fair hearing
 - Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life
 - Article 10 – right to freedom of expression.

Other considerations

- 5.31 Licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.
- 5.32 In determining applications for premises licences and permits, a licensing authority may request as much information as it requires to satisfy itself that all the requirements set out at s.153 of the Act are met.
- 5.33 Where concerns remain, licensing authorities may choose to attach conditions to the premises licence. Further details are provided in Part 9.
- 5.34 Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

⁹ *Template: Compliance and Enforcement Policy*, Better Regulation Delivery Office. This template policy was developed by the Local Better Regulation Office, with local authorities, to assist local authorities in developing a policy that is in line with the requirements of the Regulators' Compliance Code, or to review their existing policy. It is available on the BRDO website at <http://www.bis.gov.uk/brdo/resources/risk-based-regulation/compliance-policy>

¹⁰ *Age restricted products and services framework / updated April 2014* sets out an agreed set of shared responsibilities and reasonable expectations for young people, their parents and carers, businesses, employees and regulators with regards to access to age restricted products and services. The document forms the foundations of the *Age restricted products and services: a code of practice for regulatory delivery / updated April 2014*

- 7.50 A licence application, and any licence subsequently issued, is not valid if the relevant notifications have not been made.

Application for Premises Variation (s.187): 'material change'

- 7.51 Previous guidance from the Department for Culture, Media and Sport (DCMS) and the Commission has been that an application for a variation will only be required where there are material changes to the layout of the premises. What constitutes a material change will be a matter for local determination but it is expected that a common sense approach will be adopted. When considering an application for variations, the licensing authority will have regard to the principles to be applied as set out in s.153 of the Act.

Representations

- 7.52 In dealing with an application, licensing authorities are obliged to consider representations from two categories of person, referred to in the Act as 'responsible authorities' and 'interested parties'. Representations from other parties are inadmissible. Further information on these categories can be found in Part 8 of this Guidance.
- 7.53 Having determined that the representation is admissible, the licensing authority must consider its relevance. Only representations that relate to the licensing objectives, or that raise issues under the licensing authority's statement of policy, or the Commission's Guidance or Codes of Practice, are likely to be relevant.
- 7.54 The licensing authority will also need to consider if representations are 'frivolous' or 'vexatious'. This is a question of fact and licensing authorities are advised to seek help from their legal advisers in interpreting these phrases although relevant considerations may include:
- who is making the representation, and whether there is a history of making representations that are not relevant
 - whether it raises a 'relevant' issue
 - whether it raises issues specifically to do with the premises that are the subject of the application.
- 7.55 The Commission does not routinely make representations on premises licence applications. However, the fact that the Commission has not made a representation on a particular premises licence application should not be taken as indicating the Commission's approval of that application. Exceptionally, where an application for a premises licence, or the operation of a current premises licence, raises matters of wider or national significance, the Commission will consider making representations or requesting a review.

Making a decision

- 7.56 As explained earlier, the licensing authority's primary obligation under s.153(1) is to permit the use of premises in so far as it thinks that to do so is:
- a. in accordance with any relevant code of practice issued by the Commission
 - b. in accordance with any relevant guidance issued by the Commission
 - c. reasonably consistent with the licensing objectives (subject to a. and b. above), and
 - d. in accordance with the licensing authority's statement of licensing policy (statement of policy) (subject to a. to c. above).

- 7.57 Further information and guidance as to the meaning and effect of s.153 is set out at paragraph 5.19 above.

- 9.28** Licensing authorities should make decisions on conditions on a case-by-case basis, and in the context of the principles of s.153. They must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and this Guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.
- 9.29** Licensing authority statements of policy will need to consider the local circumstances which might give rise to the need for conditions. Where there are specific risks associated with a particular locality, the licensing authority might decide to attach conditions to the premises licence to mitigate those risks. For example, local issues associated with a high crime rate may put a premises at risk of not being consistent with the licensing objectives, and specific conditions may be necessary to address the risk.
- 9.30** Where there are risks associated with a specific premises or class or premises, the licensing authority may consider it necessary to attach conditions to the licence to address those risks, taking account of the local circumstances.
- 9.31** Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises (including the locality and any identified local risks) and the type of licence applied for
 - fairly and reasonably related to the scale and type of premises
 - reasonable in all other respects.

Conditions that may not be attached to premises licences by licensing authorities

- 9.32** The Act sets out certain matters that may not be the subject of conditions:
- s.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
 - s.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
 - s.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - s.171 prevents a licensing authority imposing conditions in relation to stakes, fees, winnings or prizes.

Hansard Extract

On 9 November 2004 (Standing Committee B) there was a debate in the House of Commons over whether to amend the Licensing Objectives to include "the prevention of public nuisance.) Below are the relevant paragraphs from Hansard.

The amendment was withdrawn. The following are material extracts from Hansard:

Column Number: 012

Mr Foster - Amendment to include prevention of public nuisance in Licensing Objectives:

Why is it important that we deal with that in the objectives? The answer is simple. As the Bill stands, the local authority is unable to take account of effects that may occur not in a new casino or on gambling premises, but further afield, outside those premises. It is crucial that local authorities have the opportunity to do so. Indeed, the Local Government Association said when it wrote to all Members about the Second Reading debate that the prevention of public nuisance should be a licensing objective:

"The licensing objectives set out in Clause 1 of the Bill do not address potential problems of nuisance arising in the street outside gambling premises. This is particularly likely late at night and when alcohol has been consumed. While the Environmental Protection Act 1990 places a duty on local authorities to deal with statutory nuisances arising from the premises itself, and to investigate residents' complaints, it is not possible to use this legislation to deal with street nuisance, even where the problem is directly attributable to a particular venue."

Use of the Environmental Protection Act for such matters is therefore not possible. The LGA goes on to say:

"This omission will seriously hamper the ability of councils to ensure effective management of the environment around gambling premises and provides residents with little scope to make representations should street nuisance occur. The LGA believes that a new licensing objective of the prevention of public nuisance should be added to Clause 1."

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The Minister for Sport and Tourism *Mr Richard Caborn, addressing the amendment*

Some gambling premises (casinos and bingo clubs) are allowed to serve alcohol to their customers, and the Bill will not stop that happening. Their entitlement does not spring from gambling laws: as one or two of my hon. Friends have said, it comes from the licensing law itself. Casinos and bingo clubs in England and Wales get their entitlement from the Licensing Act 1964. However, by the time the Bill is on the statute book, the Licensing Act 2003 will have come into force. The equivalent licensing laws govern casinos and bingo clubs in Scotland. The 2003 Act includes the prevention of public nuisance as a licensing objective, understandably so given the unfortunate connection between excess alcohol intake and bad behaviour. That was referred to by a number of hon. Members this morning.

The relevant risks associated with licensing of pubs, bars and other premises on which alcohol is sold include noise and antisocial conduct, particularly at night. That has been referred to in connection with Guildford. Accordingly, it will be open to licensing authorities, when considering applications for casinos and bingo halls to be licensed premises under the 2003 Act, to take account of the public-nuisance risk just as they do when considering any other application. If any casino were to put its alcohol licence at risk by allowing public nuisance, it would almost certainly put its continued existence and its licence at risk. Therefore, it is unnecessary in the case of casinos and bingo clubs to duplicate provisions that are already in licensing law.

There is no intention of allowing other gambling premises, such as betting shops and machine arcades, to sell alcohol, and there is no reason to apply to them a nuisance test over and above the

law on noise and other nuisance. There is no well-established association between betting and nuisance of the sort that unfortunately exists between alcohol and nuisance. We do not believe that there is any reason to single out betting shops for special treatment in contrast to grocery shops, newsagents or any other shop.

There are provisions in the general criminal and civil law on the control of public nuisance. If they are not thought to be adequate, I am not expressing a Government view on this, the solution is to strengthen the general law, not to adopt specific measures for gambling premises on the basis of no

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evidence of need. In practice, all licensed gambling premises are more likely to conduct themselves responsibly than the general run of premises, if only because they will have to satisfy not just the local licensing authority concerning their present licence, but the powerful gambling commission in relation to their operating licence.

Amendment No. 1 would be regulatory overkill. The official Opposition, who continually badger us about red tape and over-regulation, should reflect on their amendments in the light of my explanation. Amendment No. 1 would only reinforce the apprehension in the gambling industry that local authorities will be over-zealous in regulating premises, and I do not believe that those fears are well grounded. It would impact significantly on the matters that could be taken into account by local authorities and would go beyond what is reasonable. I cannot advise the Committee to accept it.

<https://publications.parliament.uk/pa/cm200304/cmstand/b/st041109/pm/41109s02.htm>
<https://publications.parliament.uk/pa/cm200304/cmstand/b/st041109/am/41109s03.htm>

PART 8: PREMISES LICENCES

Introduction

[5.150]

A premises¹ licence is a licence granted by the relevant local authority under Part 8 [GA 2005](#) for premises in their area authorising the use of the premises for one or more specified forms of gambling². The premises licence is the third major form of control over gambling provided by the [GA 2005](#), the first being the operating licence and second the personal licence. It replaces the betting office licence authorising use of premises as a betting office under the [Betting, Gaming and Lotteries Act 1963](#) and the gaming licence authorising use of premises as a casino or licensed bingo club under Gaming Act 1968. It also replaces permits authorising the use of premises as amusement centres and amusement arcades under the Gaming Act 1968, Sch 9 and Lotteries and Amusements Act 1976, Sch 3. However, the new regime differs in a number of respects from these licence and permit regimes. There is in particular an absence of any detailed policy steer in the [GA 2005](#) itself to clarify the purposes underlying the premises licence or to establish what criteria should be adopted in granting or refusing a licence.

- ¹ Premises are defined in s 353(1) and (2)(g). See also *Majorstake Ltd v Curtis* [2006] EWCA Civ 1171, [2008] 1 AC 787; and also the Commission document at para [AM5.6658](#) which addresses what constitutes premises generally and in specific instances.
- ² In *Greene King Brewing and Retailing Ltd v The Gambling Commission*, GA/2014/0001 (8 December 2014) the First-tier Tribunal reached the conclusion that the Commission enjoyed no direct jurisdiction in relation to premises licences and that the decision to grant/refuse such a licence lay with licensing authorities. That decision was reversed on appeal in *Gambling Commission v Greene King Brewing and Retailing Ltd* [2016] UKUT 0050 (AAC) and that decision was upheld in the Court of Appeal in May 2017; see para [5.92A](#) above.

Purpose of the premises licence

[5.151]

The legislation which the [GA 2005](#) replaces sets out detailed grounds for the grant or refusal of a licence. In the case, for example, of a betting office licence the legislation provided both mandatory¹ and discretionary² grounds for refusal. Mandatory grounds were that the applicant was not the holder of a bookmaker's permit, that the premises were not enclosed and that there had to be access to the proposed betting office from the street otherwise than through other premises which were used for non-betting transactions. The discretionary grounds were that the premises were not suitable to be a licensed betting office having regard to their layout, character, condition or location; that the grant would be inexpedient having regard to the demand in the locality for licensed betting offices and that (in the case of a renewal) the premises had not been properly conducted. From these grounds it is possible to deduce that the basic purpose of betting office licensing was to prevent proliferation and to ensure that the premises and the location were suitable for such an office and that the applicant was fit to run a betting business there. Broadly comparable discretionary grounds for refusing a casino licence or a bingo club licence were contained in the Gaming Act 1968³. Although the legislation relating to amusement centres and amusement arcades did not spell out criteria in detail nonetheless in practice demand and the impact of the premises on the neighbourhood were usually the principal foci.

- ¹ BGLA 1963, Sch 1, para 19(a).
- ² BGLA 1963, Sch 1, para 19(b).
- ³ GA 1968, Sch 2, para 18, 20(1).

[5.152]

In their report the Gambling Review Body concluded that the demand test for casinos, bingo premises and licensed betting offices was outdated and should be abolished¹. This recommendation was accepted by Government and, as noted below, is given effect to by the [GA 2005](#). The GRB then considered what role, in the absence of a need to prove demand, remained for premises licensing. They concluded that it was not the principal function of licensing to consider the suitability of the location or of the premises: these would be determined by planning controls². They saw the primary function of premises licensing as first, to provide a means of preventing the proliferation of gambling venues, and, second, as providing a means whereby local residents could help to shape the communities in which they wanted to live³. Noting the provisions of the [Local Government \(Miscellaneous Provisions\) Act 1982](#) providing for the licensing of sex establishments they recommended that the local authority should have the power to impose a blanket ban on all, or particular types of, gambling premises in a specified area (either the whole of their area or some part of it)⁴.

This power would, they considered, allow the local authority to prevent over-concentration of gambling premises in particular areas in a way which might change their character⁵. In addition they recommended that in determining whether the location of the premises for which a licence application was made would be appropriate the local authority should have regard to the general character of the locality and the use to which buildings nearby were put⁶. They also recommended that the Gambling Commission should be required to provide advice to local authorities as to the criteria to be adopted in determining licence applications⁷.

The Government broadly accepted the Committee's recommendations, though it rejected the proposal to give to local authorities the power generally to impose blanket bans on gambling premises⁸; this power has been introduced in the [GA 2005](#) only in respect of casino premises. Otherwise the Government concluded that the local authority should consider each application for a licence on its own merits subject to national criteria and guidance from the Gambling Commission and subject to the principles contained in their own licensing policy⁹. An attempt to reintroduce the demand criterion at the Committee stage of the Bill having been rejected¹⁰, this is the format that has been adopted (see para [5.158](#) below).

- ¹ Gambling Review Report, CM 5206 2001, paras 20.28; 20.31.
- ² Gambling Review Report, para 21.1.
- ³ Gambling Review Report, para 18.19.
- ⁴ Gambling Review Report, para 21.9.
- ⁵ Gambling Review Report, para 21.10.
- ⁶ Gambling Review Report, para 21.13.
- ⁷ Gambling Review Report, para 21.13.
- ⁸ DCMS: 'A Safe Bet for Success — Modernising Britain's Gambling Laws' Cm 5397 2002, para 3.10.
- ⁹ 'A Safe Bet for Success' Appendix B, recommendation 44.
- ¹⁰ House of Commons Standing Committee B Thursday 2 December 2004 Cols 353–355.

Requirement for a premises licence

[5.153]

The premises licence is the principal, though not the only, means by which use of premises for gambling may be authorised under the [GA 2005](#). It is an offence to use premises, or to cause or permit premises to be used, to operate a casino, to provide facilities for bingo, to make a gaming machine available for use, to provide other facilities for gaming, or to provide facilities for betting unless such use is authorised by a premises licence, or one of a number of other forms of authorisation provided by the Act applies¹. These latter forms of authorisation are set out in para [5.154](#) below. There are five types of premises licence, namely:

- a casino premises licence authorising premises to be used for the operation of a casino;
- a bingo premises licence authorising premises to be used for the provision of facilities for the playing of bingo;
- an adult gaming centre premises licence authorising premises to be used for making Category B gaming machines available for use;
- a family entertainment centre premises licence authorising premises to be used for making Category C gaming machines available for use;
- a betting premises licence authorising premises to be used for the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets².

A premises licence is not required in order to provide facilities for gambling on premises if the facilities are to be used only by persons who:

- are acting in the course of a business, or
- are not on the premises³.

The Explanatory Notes give as an example of the first case, a telephone call centre set up by a betting operator to accept telephone bets, and, as an example of the second case, the use of premises to house a server which is used for the purposes of remote gambling⁴. Thus, for example, a betting exchange business which uses premises to house its server, and which bases staff at the premises, will not require a premises licence for the premises, provided (as would be the usual case) all the betting exchange business was carried on remotely and customers did not attend at the premises.

The basic rule is that premises may only be subject to one premises licence at a time, with the result that the type of gambling permitted will be limited to the particular type authorised by the licence⁵. That rule is subject to the following exceptions:

- tracks: a betting track may be subject to more than one premises licence at a time provided each licence relates to a different area of the track. Where a track, or part of a track, is subject to a premises licence any application for a premises licence to authorise another type of gambling there must be accompanied by an application to vary the existing licence so that it will no longer have effect if and when the new licence is granted⁶;
- licensed Adult gaming centres: these may provide any number of Category C and D gaming machines as well as up to four Category B gaming machines⁷;
- licensed Family entertainment centres: these may provide any number of Category D gaming machines as well as any number of Category C gaming machines⁸;
- licensed Casinos: small, large and regional casinos (as to which see paras 5.160 and 5.161 below) may provide Category B, C or D gaming machines subject to limits on numbers specified in the Act. A regional casino using at least 40 gaming tables may also use Category A machines subject to limits on numbers set out in the Act⁹;
- licensed Bingo premises: these may provide up to four Category B gaming machines and unlimited numbers of Category C and D machines¹⁰;
- licensed Betting premises may use up to a total of four gaming machines of Category B, C or D¹¹, except where the licence is granted in respect of a track¹². In such a case the licence will only authorise use of gaming machines if the holder also holds a pool betting operating licence¹².

¹ [GA 2005, s 37](#).

² [GA 2005, s 150](#).

³ [GA 2005, s 37\(6\)](#).

⁴ [GA 2005](#), Explanatory Note 149.

⁵ [GA 2005, s 152](#). See, however, below at para 5.158A.

⁶ [GA 2005, s 152](#).

⁷ [GA 2005, s 172\(1\)](#).

⁸ [GA 2005, s 172\(2\)](#).

⁹ [GA 2005, s 172\(3\), \(4\), \(5\)](#).

¹⁰ [GA 2005, s 172\(7\)](#).

¹¹ [GA 2005, s 172\(8\)](#).

¹² [GA 2005, s 172\(8\), \(9\)](#).

Exceptions to the requirement for a premises licence

[5.154]

Gambling may be provided on premises without a premises licence in the following cases:

- bets may be accepted on a track under an 'occasional use notice': s 39;
- written authority may be given which has the effect of authorising premises to be used for the collection of pool bets and stakes etc: s 40;
- premises may be used for gambling under a temporary use notice having effect under the [GA 2005](#), Part 9;
- certain gaming machines may be used in premises if a family entertainment centre gaming machine permit exists for the premises, or if either no prize, or a limited prize only, may be won;
- equal chance gaming may be provided in a members' club, a commercial club or a miners' welfare institute (s 269); gaming may be provided in accordance with a club gaming permit (s 271); and gaming machines may be provided in accordance with a club machine permit (s 273);
- facilities for equal chance gaming may be provided, and no more than two Category C or D gaming machines may be provided, on premises for which an on-premises alcohol licence has effect: ss 278, 279 and 282. A Category C or D gaming machine may also be provided on such premises in accordance with a licensed premises gaming machine permit: s 283;
- one or more Category D gaming machines may be made available for use at a travelling fair: s 287;
- 'prize gaming' may be provided, subject to specified conditions, on premises for which a prize gaming permit exists (s 289), in an adult gaming centre or a licensed family entertainment centre (s 290), in premises for which a bingo premises licence has effect (s 291), and at a travelling fair (s 292).

In addition no premises licence is required where the gaming or betting provided is private gaming or betting (s 296), nor where facilities are provided for non-commercial prize gaming or non-commercial equal chance gaming (s 298).

The licensing authority

[5.155]

In England the licensing authority will be the district council, the county council (in the case of a county where there are no district councils), the London borough council, the Common Council of the City of London or the Council of the Isles of Scilly¹. In Wales the licensing authority will be the county council or the county borough council¹. Application for a licence is made to the licensing authority in whose area the premises are wholly or partly situated². The licensing authority have a number of duties and powers in addition to their function of granting or rejecting applications for premises licences. They must prepare, consult on and publish a three-year statement of the principles they will apply in exercising their functions under the Act³; they may resolve not to issue casino premises licences in their area⁴; and they must determine the amounts of the licence fees they will charge⁵. The Act delegates the authority's functions to the licensing committee of the authority established under the [Licensing Act 2003](#)⁶ with the following exceptions: first, neither their duty to publish a three-year licensing statement nor their power to resolve not to grant casino licences is automatically delegated, nor may the authority themselves delegate these functions⁷; second, their duty to fix fee levels is not automatically delegated, but they themselves may delegate it to the licensing committee⁸. The licensing committee may itself sub-delegate functions to a sub-committee or to an officer⁹ though delegation to an officer is not permitted so as to enable him to determine an application for a premises licence, or an application to vary a premises licence, where representations (presumably usually objections) have been made and not withdrawn¹⁰ nor to determine an application for a transfer following representations by the Commission¹¹ nor to determine an application for a provisional statement where representations have been made and not withdrawn¹².

¹ [GA 2005, s 2](#).

² [GA 2005, s 159](#). 'Premises' includes any place and in particular a vessel and a vehicle: s 353(1). However no premises licence may be issued for a vehicle as defined by s 353(1): s 211(1)(a). A premises licence may be issued for certain vessels (ie basically a boat or hovercraft — see definition in s 353(1)): s 211(1)(b)–(d). Provision is made by s 211 about the place where a vessel is taken to be situated and also the parties who will be treated as responsible authorities in relation to the application.

³ [GA 2005, s 349](#).

⁴ [GA 2005, s 166](#).

⁵ [GA 2005, s 212](#) which must not exceed the maximum set out in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007, SI 2007/479.

- ⁶ [GA 2005, s 154.](#)
- ⁷ [GA 2005, s 154\(2\).](#)
- ⁸ [GA 2005, s 154\(2\).](#)
- ⁹ [GA 2005, s 154\(3\).](#)
- ¹⁰ [GA 2005, s 154\(4\).](#)
- ¹¹ [GA 2005, s 154\(4\).](#)
- ¹² [GA 2005, s 154\(4\).](#)

Making an application for a premises licence

[5.156]

An application for a premises licence is made to the licensing authority in whose area the premises are wholly or partly situated¹. The applicant must either hold, or have applied for, an operating licence authorising him to carry on the type of gambling for which the licence is sought², though this requirement does not apply in the case of a track to be used only for accepting bets³ a provision enabling a track occupier to obtain a premises licence to allow betting, and in particular bookmaking, on his track without himself holding a betting operating licence. The applicant must have a right to occupy the premises to which the application relates⁴. The Explanatory Notes state that this requirement will be satisfied where the applicant occupies under a legal right to be in occupation whether by way of a freehold or leasehold interest or by holding the premises on a tenancy agreement⁵. Regulations provide for the form of the application and the information to be supplied⁶, and for the publication of notice of the application and the giving of notice to specified bodies and persons⁷.

- ¹ [GA 2005, s 159.](#)
- ² [GA 2005, s 159\(3\).](#)
- ³ [GA 2005, s 159\(4\).](#)
- ⁴ [GA 2005, s 159\(5\).](#)
- ⁵ [GA 2005](#), Explanatory Notes, paras 427 and 734.
- ⁶ [GA 2005, s 159\(6\)](#). See the [Gambling Act 2005 \(Premises Licences and Provisional Statements\) Regulations 2007](#), SI 2007/459, regs 3–5, 12–14 and 16.
- ⁷ [GA 2005, s 160.](#)

Responsible authorities and interested parties

[5.157]

Where an application is made to a licensing authority for a premises licence an 'interested party' or 'responsible authority' may make representations in writing to the licensing authority¹. It must do so within 28 days². In practice this limits the right to make objections to such parties or authorities. The 'responsible authorities' are as follows:

- (a) a licensing authority in whose area the premises are wholly or partly situated,
- (b) the Gambling Commission,
- (c) the chief officer of police for a police area in which the premises are wholly or partly situated,

- (d) the fire and rescue authority for an area in which the premises are wholly or partly situated,
- (e) the local planning authority for an area in which the premises are wholly or partly situated,
- (f) the authority having functions in minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated,
- (g) a body designated by the licensing authority for an area in which the premises are wholly or partly situated as competent to advise the authority about the protection of children from harm,
- (h) HMRC, and
- (i) any other person prescribed by regulations³.

An 'interested party' is a person who, in the opinion of the licensing authority:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy para (a) or (b)⁴.

Responsible authorities and interested parties not only have the right to make representations on an application for a new premises licence, but also the right to make representations on various applications which may be made in respect of an existing premises licence (eg for variation of a licence, see para [5.171](#) below), though in the case of some applications (eg to transfer a premises licence, see para [5.172](#) below) responsible authorities will be able to make representations but interested parties will not. In addition both responsible authorities and interested parties may apply for a review of a premises licence (see para [5.178](#) below) and are entitled to make representations on a review of a premises licence initiated by the local authority itself (see para [5.180](#) below).

The definition of 'responsible authority' calls for no comment. As to 'interested parties' some questions may be posed. There are four types of 'interested party': first, residents living close enough to the premises to be likely to be affected by the authorised activities (who could, perhaps, be called 'resident interested parties'); second, persons (eg an official of a residents association or an ad hoc spokesperson) representing such residents; third, persons having business interests that might be affected by the authorised activities ('business interested parties'), and fourth, persons (eg an officer of a Chamber of Commerce) representing such business interested parties.

As to resident interested parties there may, no doubt, be guidance from licensing authorities in their licensing statements issued under s 349 as to the tests to be applied in determining whether a person lives sufficiently close to premises to qualify as a resident interested party. Any test will, however, need to be flexibly formulated and applied as some gambling premises will impact on much wider areas than others: a large casino, for example, or a large family entertainment centre is likely to be much wider in its effects than a modestly sized betting office or even a large betting office. Some assistance as to the approach which should be taken by licensing authorities in deciding whether a particular person is an interested party or not is to be found in the fifth edition of the Commission's Guidance to Licensing Authorities, September 2015 (see para [AM5.6655](#)) at Part 8.

There appears to be nothing in the definition of resident interested party (or of business interested party) to suggest that it is a requirement that the resident or business be actually located within the area of the licensing authority (though this is likely to be the usual case) provided the authorised activities are likely to affect the residential or business interests in question. See a discussion of this matter and the contrast between the provisions of the Act and [s 13](#) of the Licensing Act 2003 in *R (on the application of 4 Wins Leisure Ltd) v The Licensing Committee for Blackpool Council*⁵.

More fundamentally, however, the following question must be posed: once the persons who qualify as resident interested parties have been identified, what kinds of representation will they be entitled to make? The definition of 'interested party' uses the test of living sufficiently close to the premises to be affected by them as a means of defining the expression 'interested party'. Does this definition have the consequence that such resident interested parties (and any persons representing them) will be limited to making representations about the impact of the premises on the surrounding area (including their own places of residence) or may they make representations about any and all aspects of the proposal which may be relevant to the licensing objectives and to any other matters which the licensing authority are obliged to consider (in particular under s 153, see para [5.158](#) below), even though these are matters which will not directly affect them and will not or may not affect residents living within the premises' footprint? If the former, then not only is there a limit on the number of residents living within the licensing authority's area who may be permitted to make representations, but there will also be a limit on the representations that they can make since these will be confined to representations about the immediate impact of the premises on its footprint area. Accordingly, in many cases, there will be little scope for premises licensing to fulfil the role envisaged by the Gambling Review Body of enabling local residents to help shape the communities in which they want to live (see para [5.152](#) above). If, on the other hand, resident interested parties can deal with broader issues such as the impact of another set of gambling premises on the character of the area, or the possibly damaging social effects of further gambling premises within the area of the licensing authority, one is prompted to ask why the power to make such representations should be limited to this specific group. It is surely possible that many people who reside within the

licensing authority's area but who will not be directly affected by activities on the premises, and who will not therefore qualify as 'interested parties', may have relevant and well informed observations to make on such broader issues. Why should they be denied a hearing? The anomaly becomes even starker when one considers that in some cases residents and businesses from outside the licensing authority's area will qualify as interested parties and will be able to make representations. The strict wording of the provision may perhaps suggest that the former interpretation is correct, but it is nonetheless suggested that for the following reasons the latter interpretation is to be preferred notwithstanding the anomalies it produces. First, the debates in Standing Committee B suggest that this was the Government's intention. An attempt was made to extend the definition of 'interested party' to include any person who had concern about or responsibility for addressing social well-being in the community from which the authorised gambling activities might draw custom. The Government opposed the amendment (which was withdrawn) but in the course of the debate Mr Richard Caborn, the Minister for Sport and Tourism, stated that 'Evidence from persons who have responsibility for social well-being might well form part of an individual representation, but we consider it important that there should be a clear link between the premises and the person making the representation'⁶. This seems to imply that an individual resident (or business) interested party could make representations about the social impact of the proposal on the authority's area or could allow his representations to be used as a platform for such representations by others. Of equal significance perhaps is the fact that, as has been noted, interested parties will be entitled to make representations on various applications relating to an existing licence and to apply for, or to make representations on, a review. In this connection they will no doubt often be invited to make representations as to matters which go well beyond the impact of the licensed premises on its immediate area. For example the licensing authority may institute a review of a licence if they think that the premises have been used in breach of a licence condition (see para 5.180 below). A resident interested party may be wholly unaffected by such a breach of condition but will still be entitled to make representations. This supports the view that they are also intended to have a broad power to make representations on all relevant issues on the first application for a licence.

In the case of business interested parties, or their representatives, a similar though not identical question arises. A business interested party is a person who has business interests that may be affected by the authorised activities at the premises. This would cover the case where a business is sufficiently close to the premises to be directly affected by the activities there, but it is not, it seems, limited to that case; a business interest could be affected even though the business was itself outside the area of the premises' immediate impact. Suppose, for example, a radio taxi business is located in offices a mile away from a town centre. Most of its business is derived from trips into the town centre in the evenings to pick up customers who have been enjoying the cinemas, pubs and restaurants there. An application is made to obtain a licence for a large adult gaming centre in the centre of town. The proposals give rise to widespread apprehension that the presence of the centre will create a threatening atmosphere driving people out of the town centre and damaging trade there. The taxi business's offices are too far away from the town centre to be directly affected, but it clearly has business interests in ensuring that a plentiful supply of potential patrons continue to frequent the town centre and it should therefore qualify as a business interested party.

However this raises the same question as arises in the case of resident interested parties: once a person has qualified as a business interested party is he limited in the representations he can make to matters directly relating to the impact which the activities on the licensed premises may have on his business interests, or may he deal with any and all of the broader issues that may arise? For the same reasons as apply in the case of a resident interested party it is suggested that the latter interpretation is to be preferred. This seems consistent with the views expressed in the Committee debate, and it is consistent with the fact that a business interested party will be able to deal with a range of issues when making representations in respect of applications and reviews relating to an existing licence which may go well beyond the impact of the premises on his business interests.

There is an additional question that arises in connection with business interested parties. Where an application for a premises licence is made to provide gambling facilities of a type that are already provided within the locality by existing traders those traders will be likely to want to oppose the application as trade objectors. The position that will then arise seems curious. Such traders will undoubtedly have business interests that might be affected by the proposal since the proposal will result in competition for their businesses so they will qualify as business interested parties under s 158. However, s 153(2) provides that in determining whether to grant a premises licence the licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide. Accordingly the authority will not be entitled to take into account representations to the effect that there is no sufficient demand to warrant the grant of a further premises licence and they will be obliged to refuse to entertain representations from trade objectors on those grounds. However, provided (as has been suggested above) business interested parties are entitled to make representations relating to broader matters it will seem open to trade objectors to make representations relating to any other relevant considerations that arise in relation to the licensing objectives and under s 153.

¹ [GA 2005, s 161](#).

² The [Gambling Act 2005](#) (Premises Licences and Provisional Statements) Regulations 2007, SI 2007/459, regs 13–15 and 17.

³ [GA 2005, s 157](#). See SI 2007/459, regs 12–16.

⁴ [GA 2005, s 158](#). See SI 2007/459, regs 12–16.

⁵ [\[2007\] EWHC 2213 \(Admin\)](#), [\[2007\] All ER \(D\) 185 \(Aug\)](#), Sullivan J.

⁶ Standing Committee B, Thursday, 2nd December 2004 (Afternoon) Col 359.

Determination of application

[5.158]

In determining an application the licensing authority must hold a hearing¹ if:

- representations have been made by an interested party or responsible authority and have not been withdrawn;
- the authority intend to use their discretion under s 169(1) to attach a condition to a licence; or
- the authority intend to use their discretion under s 169 to exclude a default condition (ie a condition automatically attached to the licence under s 168 unless excluded by the authority in its discretion)².

A hearing may, however, be dispensed with if the applicant and any interested party or responsible authority who have made representations consents to this course³, or the authority think that the representations are vexatious or frivolous or will certainly not influence their determination of the application⁴. If the authority do propose to dispense with a hearing on these latter grounds they must as soon as is reasonably practicable notify the person who made the representations⁵, presumably to enable him to seek a remedy by way of judicial review if so advised.

Where the applicant for the premises licence is an applicant for an operating licence⁶ the authority cannot determine the application until the relevant operating licence has been issued⁷.

On considering an application for a premises licence (whether at a hearing or not) the licensing authority must either grant it or reject it⁸. In making that determination the licensing authority will be subject to the provisions of s 153 which sets out the principles to be applied by the authority in exercising all their functions under Part 8 [GA 2005](#) (ie including, but not limited to, the grant or refusal of an application for a premises licence). Section 153(1) provides as follows:

“In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—

- (a) in accordance with any relevant code of practice under s 24,
- (b) in accordance with any relevant guidance issued by the Commission under s 25,
- (c) reasonably consistent with the licensing objectives (subject to paras (a) and (b)), and
- (d) in accordance with the statement published by the authority under s 349 (subject to paras (a) to (c)).”

The subsection starts by imposing a general duty on the authority to ‘aim to permit the use of premises for gambling’ and then sets out a series of four factors which may, in any individual case, qualify or override the general duty. The first point to note is that the provision imposes a duty on the licensing authority: it must, subject to the qualifying factors, aim to permit the use of premises for gambling. What is the scope of this duty? It is suggested that there are two elements: first, it creates a presumption in favour of granting the premises licence since it is only if the licence is granted that the premises may lawfully be used for gambling. But the duty seems to go further than that. The verb ‘to aim’ is defined by the *OED*⁹ as meaning: ‘5. To calculate one’s course with a view to arriving (at a point); to direct one’s course, to make it one’s object to attain. Hence fig To have it as an object, to endeavour earnestly’. The *Shorter OED*¹⁰ defines it as: ‘3. Direct one’s course, make it one’s object to attain, intend, try’. A person who ‘aims’ to achieve a result will usually take active steps to bring it about. The provision appears to place a duty upon the licensing authority to exercise their powers so far as is lawfully possible to achieve a position in which they can grant the premises licence and thus permit the premises to be used for gambling. The most obvious way in which the authority will be able to exercise their powers in this way will be by an imaginative use of their power to frame and impose conditions (see para 5.159 below) so as to overcome objections to the application which might, in the absence of suitable conditions, lead to the application being rejected. No doubt the authority could also, in a case where a licence application gave rise to issues which could not be addressed by suitably drafted conditions, seek to consider with the applicant whether amendments to the application might overcome the objections and enable it to be granted. However, it is also necessary to recognise that the language of s 153(1) stops short of being mandatory; ‘aim to permit’ provides a strong steer to look favourably on an application, but no more.

As to the list of qualifying factors, these are set out in s 153(1)(a)–(d). Section 153(1)(a) qualifies the duty to aim to permit use of premises for gambling to the extent that such use must be in accordance with any relevant code of practice issued by the Gambling Commission under s 24. That section requires the Gambling Commission to issue codes of practice about the manner in which facilities for gambling are to be provided (whether by the holder of a licence or by another person). In issuing a code of practice the Gambling Commission will be subject to a duty under s 22 to promote the licensing objectives. Accordingly any code of practice should be consistent with those objectives. Section 153(1)(b) qualifies the licensing authority’s duty to aim to permit the use of premises for gambling to the extent that such use must be in accordance with any relevant guidance issued by the Gambling

Commission under s 25. This section requires the Gambling Commission to issue guidance to local authorities¹¹ as to the manner in which they are to exercise their functions under the Act and the principles that they should apply in exercising those functions. Again the effect of s 22 is that in issuing such guidance the Commission will be under a duty to promote the licensing objectives, so again such guidance should be consistent with those objectives. The effect of all this is that any code of practice and any guidance to local authorities ought to promote the licensing objectives and no inconsistencies between the two should arise. On that basis codes of practice and guidance are placed (by s 153(1)(a) and (b)) as enjoying equal importance at the top of the hierarchy of factors set out in s 153(1)(a)-(d).

Next comes s 153(1)(c): this provides that the duty of the licensing authority to aim to permit the use of premises for gambling is qualified to the extent that such use must be reasonably consistent with the licensing objectives, but it goes on to provide that this condition is 'subject to paras (a) and (b)'. In principle there should, of course, be no conflict between (a) and (b) (which will both reflect the Gambling Commission's duty to promote the licensing objectives) and (c) (which will reflect the licensing authority's view of what the licensing objectives require). However the effect of the legislation appears to be that should there be any conflict between the two then the guidance set out in codes of practice or guidance emanating from the Gambling Commission will 'trump' any factors which the licensing authority themselves would otherwise have taken into account as relevant to the licensing objectives under s 153(1)(c).

Finally, s 153(1)(d) provides that the duty of a licensing authority to aim to permit the use of premises for gambling is qualified to the extent that such use must be in accordance with the authority's own statement issued under s 349. In preparing that statement the authority are not themselves expressly required to have regard to the licensing objectives, but they are obliged to have regard to guidance issued by the Gambling Commission under s 25 and such guidance deals, amongst other things, with the formulation by the authority of their licensing policy (see para [AM5.6655](#)). Since the s 25 guidance must itself promote the licensing objectives the effect should be that the authority's licensing policy will itself be consistent with those objectives so that it should not conflict with any code of practice or guidance issued by the Commission nor with the licensing objectives themselves. However, s 153(1)(d) provides that consideration of the licensing authority's own policy is 'subject to paras (a) to (c)' which appears to mean that in the case of an inconsistency a relevant Commission code of practice, relevant guidance or the licensing objectives themselves would 'trump' the authority's licensing policy.

In determining the application the authority may not have regard to the expected demand for the facilities which it is proposed to provide¹², nor may they have regard to the question whether or not the proposal is likely to be granted planning permission or building regulation approval¹³. Where the authority have resolved under s 166 not to issue casino premises licences an application for such a licence will, of course, necessarily fail and be rejected¹⁴.

Where the application is granted the authority must as soon as reasonably practicable give notice of the grant in the form prescribed to the applicant, the Commission, any person who made representations, the chief officer of police for any area in which the premises are wholly or partly situated and HMRC¹⁵ and must issue the licence to the applicant and must give him a summary of the terms and conditions in the prescribed form. If they have attached a condition to the licence under s 169(1)(a) or have excluded a default condition¹⁶ they must give their reasons¹⁷. If representations were made by an interested party or a responsible authority they must give their response to the representations¹⁸.

Where the application is rejected the authority must as soon as reasonably practicable give notice of the rejection in the form prescribed to the applicant and to the same parties as are entitled to be notified of a grant¹⁸. The notice must give the authority's reasons for rejecting the application¹⁹.

¹ As to procedure at hearings in relation to applications see SI 2007/173.

² [GA 2005, s 162](#). See further para [5.159](#) below.

³ [GA 2005, s 162](#).

⁴ [GA 2005, s 162\(3\)](#).

⁵ [GA 2005, s 162\(4\)](#).

⁶ *Ie* under [GA 2005, s 159\(3\)\(b\)](#).

⁷ [GA 2005, s 163\(2\)](#).

⁸ [GA 2005, s 163\(1\)](#).

⁹ *The Oxford English Dictionary* (2nd edn, 1989).

¹⁰ (5th Edn, OUP).

¹¹ See 'Guidance to Licensing Authorities – 5th Edition', September 2015 at para [AM5.6655](#).

¹² [GA 2005, s 153\(2\)](#).

¹³ [GA 2005, s 210](#).

¹⁴ [GA 2005, s 153\(3\)](#), 166.

¹⁵ [GA 2005, s 164](#) and see SI 2007/459, regs 17 and 19.

¹⁶ It is a condition under [GA 2005, s 168](#).

¹⁷ [GA 2005, s 164\(2\)\(b\)](#).

¹⁸ [GA 2005, s 164\(2\)\(c\)](#).

¹⁹ [GA 2005, s 165](#) and SI 2007/459, regs 18 and 19.

Division of premises

[5.158A]

Since the 2008 edition of *Paterson's Licensing Acts* the extent to which premises can be divided, with the consequence that each created set of premises is capable then of being licensed has become an important topic for debate. It has arisen chiefly in connection in the context of machines; some operators have concluded that instead of, for example, having a single AGC licence which authorises the holder to make up to four Category B gaming machines available for use, why not double that capacity by dividing the premises in two, each having its own licence? The topic was first addressed by the Commission in paras 7.11–7.20 and 21.6 of its Guidance to Licensing Authorities of June 2007. It further examined the point in respect of bingo premises in a document published on 17 April 2008.

This stated that licensing authorities must be satisfied that each area is a separate set of premises in order to grant more than a single premises licence.

The issue was further addressed by the Commission in a document published on 25 April 2008. The Commission concluded that paras 7.11–7.12 of its Guidance required strengthening and announced that it would publish a consultation document on the topic. This it did in June 2008; this was concerned with both split premises (para 2) and primary use of premises (see paras [5.158B–5.158C](#) below). In respect of split premises the current views of the Commission are expressed in Part 7 of the *Guidance to Licensing Authorities*, 5th Edition, September 2015 (para [AM5.6655](#)). In particular at paras 7.5–7.8 the Commission states

- (1) a single building should in most cases be the subject of a single premises licence application;
- (2) however if different parts of a building can properly be regarded as separate premises then more than one such application can be made;
- (3) dividing a building in an artificial or temporary manner by, for example, using ropes or moveable partitions is an improper attempt to obtain more than a single premises licence.

The use of premises

The current position of the Commission

[5.158AA]

A recurring, important and vexed topic is whether or not a successful applicant for a betting or bingo or casino premises licence is actually required to provide betting/bingo/casino facilities in order to take advantage of the authorisation in s 172 (see also s 68(5)) to make gaming machines available for use. The Commission's current position was first set out in the edition of the *LCCP* dated January 2018, effective from 4 April 2018 and has maintained that view ever since (see [AM5.6060](#)). There the Commission has abandoned the concept of 'primary gambling activity' as set out in condition 16 of previous editions of the *LCCP* (see below) and has replaced it with social responsibility code provision numbered 9.1, which applies to all non-remote betting, bingo and casino operating licences. The relevant text states, in summary, that:

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- gaming machines may be made available for use in licensed [betting, bingo and casino] premises only where there are also substantive facilities for non-remote [betting, bingo, the playing of casino games] provided in reliance on [the relevant operating licence] available in the premises;
- licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing [betting, bingo or casino] facilities.

In formulating the new code the Commission relied heavily on a proposition, expressed by Judge NJ Warren in the *Luxury Leisure* case: namely, that the Commission is allowed to regulate 'the atmosphere in which gambling facilities are provided'. In the Consultation preceding the *LCCP 2016* the Commission expressed concern for, and the intention to protect, vulnerable people who might otherwise enter gambling premises unaware of what type of gambling premises they were, or whether they were gambling premises at all. However, determining the meaning of 'substantive facilities' and what a customer of gambling premises might 'reasonably expect' is unlikely to be straightforward. Some may argue that these phrases are clearly (intended) to bear a meaning significantly different from the previous emphasis on 'primary gambling activity', whilst others may see them as amounting to much the same as condition 16. As the impact of the new *LCCP* is unclear, and as readers are likely to need to understand how the matter has hitherto been discussed, they are referred to paras [5.158B-5.158H](#) below.

The previous position of the Commission

[5.158B]

The Commission first addressed the matter in a letter dated 12 March 2008 and concluded, in the case of both betting and bingo premises, that an operator must provide the principal activity authorised by its operating and premises licences before taking advantage of any entitlement to make gaming machines available on those premises. In the case of bingo, however, it conceded that gaming machines at bingo premises could be made available for use at times when bingo was not being played there so long as bingo facilities were generally offered at those premises. On 26 March 2008 the Commission published another letter on the topic, which in particular concerned betting facilities. Unfortunately this was not nearly as clear as the earlier letter. It stated that providing the 'barest minimum' of eg betting facilities was not consistent with the Act and that such facilities should be a 'core element' of what the operator offered. It then muddied the waters by stating that 'it would be *undesirable* for betting premises to offer only or predominantly gaming machines' (emphasis added). It threatened legislation to deal with the problem.

Next, on 17 April 2008 it published a document concerning bingo premises addressed to licensing authorities. Then, in June 2008 the Commission published a consultation paper; at para 3 therein it posed a number of questions on the topic. The final views of the Commission at that time on this subject were published in January 2009.

[5.158C]

The policies of the Commission were originally set out in *LCCP* supplement 4: Primary Gambling Activity. This was incorporated in the consolidated version of the *LCCP* at para 16 ff, Part I, the latest version of which was published in January 2020. This document made it a general condition of a licence that an operator of bingo, casino or betting premises must make genuine provision of core facilities (eg betting in a betting shop); to which the provision of gaming machines must be subordinate. In particular, in the case of betting for example, facilities which must be offered include the provision of information to enable customers to access details of the events on which bets can be made, the ability to place bets, obtain results of relevant events, calculate wins/losses and be paid out if successful. It acknowledges that proper betting machines are sufficient to satisfy the requirement so long as they outnumber gaming machines. Codes of Practice at para 9 of Part II of the consolidated *LCCP* additionally set out factors to which the operator should have regard in order to demonstrate that such genuine provision is being made. For example, in the case of a betting shop these are:

- the ratio of the space available to customers allocated to betting, to that allocated to gaming machines;
- the extent to which betting is promoted on the premises and by way of external advertising compared to gaming machines;
- the use, either expected or actual, to be made of betting/gaming machines;
- the range and frequency of events on which bets can be made.

However it is clear that this list does not preclude other factors being relevant in a particular case nor is it always necessary for all the factors to be fulfilled in order to demonstrate compliance.

[5.158D]

It appears that, despite the Commission having made its position clear, difficulties continued to arise on the primary use requirement, particularly in the case of betting shops. These stimulated it to publish, in November 2011, a detailed document 'Indicators of betting as primary gambling activity'. The full text of this can be found at para **6.2172** of the 2013 edition of *Paterson*. It was later replaced, as discussed in [5.158F](#) below.

The Commission then further reiterated its views in an information document and issued a special bulletin to licensing authorities in August 2012 on primary gambling activity. See paras [AM5.6156-5.6157](#).

[5.158E]

The First Tier Tribunal (Judge Warren) discussed some issues concerning the vexed topic of the availability of betting facilities at betting premises, in *Trafalgar Leisure Ltd v The Gambling Commission*¹.

The facts

Trafalgar possessed a combined operating licence in that it held both a non-remote general betting operating licence ('GBOL') and a remote betting operating licence. At each of its four betting shops it offered gaming machines, still referred to by the trade as Fixed Odds Betting Terminals (FOBTs), pursuant to its GBOL under s 68(5) and under s 172(8) pursuant to its premises licence. At no time, however, did it make any over the counter betting facilities available: instead it provided Betfair dedicated PCs for use by customers. Trafalgar's GBOL had attached to it the standard (since 2009) condition, known as Condition 16, which contains three parts:

- (1) gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available;
- (2) such facilities for betting must include the provision of information that enables the customer to access details of the events on which bets can be made and to be able to place those bets, obtain details of the outcome of the events, calculate the outcome of their bets and be paid or credited with any winnings;
- (3) where licensees provide facilities for betting only by means of betting machines (machines which are designed or adapted for the purpose of making or accepting bets on future real events) the licensee must ensure that the number of betting machines is greater than the number of gaming machines which are made available for use in reliance on the premises licence.

In 2010 and 2011 there were a number of inspections of Trafalgar's premises; these seem to have proceeded on the basis that it had to ensure that there were more working Betfair dedicated PCs than FOBTs at each location.

However, in 2012 the Commission reviewed the GBOL and in November 2012 the Regulatory Panel revoked that licence, having found that Trafalgar was in breach of Condition 16. Trafalgar then appealed.

The arguments

The Commission's primary argument was that the entitlement to provide FOBTs arose only if the holder of the GBOL also provided over-the-counter betting facilities. It mainly supported this by reference to parliamentary intention, its own intention in drafting Condition 16 and the natural meaning of that condition. Trafalgar responded by claiming that parliamentary intention, as found in the clear wording of ss 68(5)(c), 172(8), 86(1)(a), 22(b) and 153(1) contradicted the Commission's position. As to Condition 16 its wording was clear and made no reference to over-the-counter betting. Indeed the phrase 'sufficient facilities for betting' contained in Condition 16 was to be examined in the light of ss 9 and 37(1)(e), 150(1)(e) and s 13(2). These made it clear that not only did that phrase not require over-the-counter betting but, additionally, they embraced the notion that betting facilities existed even if they involve the product offered by betting intermediaries, such as Betfair. Accordingly, the provision of the Betfair terminals was sufficient.

The decision

Judge Warren found that:

- (a) no betting took place under the GBOL;
- (b) it was doubtful whether much betting took place under the remote licence and that Trafalgar derived no profit from any use made of the Betfair PCs;
- (c) the Betfair PCs were made available in a genuine attempt to comply with Commission policy;
- (d) para 3 of Condition 16 specifically contemplated that it is possible to provide sufficient betting facilities by remote betting alone;
- (e) the words used in paras 1 and 3 of Condition 16 were not restricted to mean 'facilities for non-remote betting'.

Accordingly he allowed the appeal.

Commentary

Given the wording of Condition 16 the result was perhaps inevitable. The wider question, which the Tribunal did not answer, because it was not before it, was whether an amended version of Condition 16 could validly insist that the provision of FOBTs be reliant on the offering of over-the-counter betting facilities. It appears that Trafalgar reserved its position on this, although Judge Warren made some observations which would appear to be sympathetic to the validity of such a requirement. At para 27 he said 'I agree with the panel that it is reasonable to infer from the Act a parliamentary preference for the use of FOBTs, including B2s, to be supervised' although he gave no indication of the source in the Act for this view. As the specific point was not before him, however, his observations were strictly obiter, although they have already had an effect as the Commission on 12 September 2013 announced its intention to re-draft Condition 16. In a consultation document concerning proposed amendments to the LCCP it signalled its intention to delete all of the third part from Condition 16 and to amend the first part so as to make it clear that FOBTs can only be made available if over the counter betting facilities are also offered (see section 9 of the document, available on the Commission's website). At the same time it announced that it would soon update its November 2011 advice note on 'Indicators of betting as primary gambling activity' and publish an advice document covering *inter alia* self-service betting terminals.

¹ GA/2012/06 (4 September 2013).

[5.158F]

The Commission was as good as its word, for in October 2013 it published two new documents. The first, an advice note 'Indicators of betting as primary gambling activity' replaces the earlier edition of November 2011. This is reproduced at para [AM5.6155](#).

The Commission will take into account the expected or actual use of the provided facilities; what matters in its view is whether those facilities indicate that a betting, as opposed to an arcade business, is being run. Although the new version to some extent repeats much of that earlier document, it also radically departs from it. The repetition concerns the first five of six indicators of whether betting is taking place as the primary gambling activity. These indicators are of general application and it seems that an operator who cannot fulfil them will bear the burden of explaining why his operation is licence compliant: this will be especially heavy if the levels of betting activity are low.

The first indicator: offering established core products. The Commission expects to see broadcast live betting opportunities for horseracing, greyhound racing, football, numbers and other sports such as golf, tennis and cricket. Taking horseracing as an example, typically regular daily betting would be offered on races in GB and Ireland at two or more meetings together with foreign racing. Live pictures would usually be provided and single, multiple and ante-post bets offered, together with forecast and tricast options and the ability to bet at the starting price or to take the current price.

The second indicator; the provision of information on products/events. This will usually include customer information screens giving all relevant details of events including times and locations, conditions, runners, riders and odds. In addition form guides and some of the sort of information found in the Racing Post would be made available.

The third indicator; promotion of gambling opportunities and products, typically by advertising.

The fourth indicator; the actual or expected use made of betting facilities. The Commission understands that gaming machines are becoming more popular in betting shops but it still expects to see significant betting activity and will consider profits from betting, slippage and staking against industry averages together with business plans which set out the expected use of the premises for betting.

The fifth indicator; the size of the premises must be sufficient to provide betting facilities as the primary gambling activity.

However, the radical change found in the new edition is its rejection of the ability of self-service betting terminals (SSBTs) to satisfy the delivery of adequate betting facilities. The new version of the sixth indicator expressly rejects (in complete contrast to the November 2011 version) that premises are able to offer FOBTs if the only betting made available is via SSBTs. Paragraph 3.26 points out that such terminals would require solely a remote betting licence and that such confers no entitlement to provide FOBTs. This argument could not have been made by the Commission in the *Trafalgar* case because of the language which it had promulgated in the third part of Condition 16. It is now seeking to rid itself of that shackle (describing that approach coyly as 'technically redundant') and it seems likely that a re-run of *Trafalgar* when the new version of Condition 16 is in place could well produce an entirely different result, absent any arguments which were not put before Judge Warren.

Not content with leaving matters there, the Commission then addressed the point further in another advice note, 'Betting: advice for remote, non-remote and betting intermediaries' dated October 2014. This is reproduced at para [AM5.6159](#). Parts 4-6 set out a number of propositions which are relevant. In particular it states that:

- betting premises which rely on a remote operating licence alone to provide facilities for gambling, have no entitlement to make FOBTs available for use (paras 4.5, 6.11 and 6.23);
- in those cases in which an operator automatically lays off all betting liability but offers FOBTs, questions are likely to be raised as to whether sufficient betting facilities are in fact being offered (para 5.5). The current editors of *Paterson* do not understand why this should be the case. In this example the operator is providing facilities for betting under s 5, is subject to the reach of s 33 and is licensable under s 65(2)(c). The fact that he decides to take no betting risk is surely irrelevant and should not compromise his ability to offer FOBTs under s 68(5)(c)/s172(8). Moreover it seems to us that the Commission's concerns are somewhat contradicted by its analysis in paras 6.16–6.18. We have similar doubts as to many of the points made by the Commission in para 5.6 in respect of the contractual arrangements made by operators.

[5.158G]

The question of the meaning of 'primary gambling activity' as used by the Commission, and the validity of that concept, was subsequently debated in *Luxury Leisure Ltd v The Gambling Commission*¹, a decision of the First Tier Tribunal (Judge Warren).

The facts

Luxury Leisure held a GBOL at premises in Newcastle named 'A1 Roulette'. It seems that the main gambling activity was gaming on FOBTs, although betting facilities were offered and promoted at the premises. Betting could only take place on machines (latterly a single machine) linked to Betfair and was only available to those who had an account with Betfair. There seems to have been some degree of counter staff involvement in some of the betting, although the judgment on this topic is somewhat opaque. Betting opportunities on multiples were limited. Overall betting use was low; it averaged about 72 betting slips per week. The Commission's regulatory panel found by a majority that Luxury Leisure was in breach of Condition 16 of its operating licence, specifically under para/part 1, the requirement that 'sufficient facilities for betting' be made available. Luxury Leisure appealed.

The arguments

The Commission argued that the test set by Condition 16 was whether there are sufficient facilities for betting available such as to indicate that the betting is the primary gambling activity. Luxury Leisure suggested a number of different constructions, the narrowest of which was that betting facilities should only be required to have more than a token presence on the premises. It also argued that the Condition was invalid, either because it was ultra vires as it offended the prohibition on the Commission set out in s 86(1)(a) and alternatively, the right to have four FOBTs as found in s 172(8) and/or because it was void for uncertainty under ECHR Article 7.

The decision

The Tribunal rejected the Commission's construction of the first part of Condition 16. It did so as a matter of the simple construction of that part, concluding that there is no justification to read a requirement of dominance into it. It was fulfilled if betting facilities existed at the premises. It also stated that the heading to the Condition, 'Primary Gambling Activity', was ambiguous. It went on to find a supporting reason for its construction in the words used in the consultation documents which preceded the final form of the Condition, and seemed to accept that its reading of the Condition was relatively close to that of Luxury Leisure's 'more than a token presence' argument, although it did not need to endorse it. However, it rejected Luxury Leisure's invalidity claims although it recognised that its views on this might well have been different if it had accepted the Commission's construction of Condition 16.

Having differed from the panel on the meaning of the Condition, the Tribunal went on to examine the facts and concluded that the betting facilities offered were sufficient to comply with it. The appeal was allowed.

Commentary

If the wording of Condition 16 remains as it is then it seems that the only issue in future is likely to be the factual one of whether the facilities offered in the particular case are sufficient to meet the Condition. What room does the Commission have now to change the wording so as to introduce the concept of dominance? Should it do so, it will be met by the invalidity arguments of the type put forward by Luxury Leisure, with the probability that those will prevail.

¹ GA/2013/0001 (13 May 2014, unreported).

[5.158H]

A further recent case worth noting was an appeal heard at Thames Magistrates' Court in June 2013; *Power Leisure Bookmakers Ltd v London Borough of Newham*. At the original application hearing the local authority's licensing sub-committee refused to grant a betting premises licence on two bases. First, that the primary gambling activity would not be betting (but gaming on FOBTs) and second, that granting the licence would not be reasonably consistent with the licensing objective of preventing gambling 'being associated with disorder'. Paddy Power appealed and made the following main points.

Primary gambling activity:

- (i) the non-statutory requirement as to 'primary gambling activity' was introduced by the Gambling Commission, by way of a standard condition placed on betting operating licences issued by them;
- (ii) the sub-committee wrongly interpreted the condition (which requires the provision of sufficient betting facilities) as though it were a requirement that those facilities be 'used' sufficiently;
- (iii) the sub-committee's interpretation was contrary to the express wording of the requirement itself, and ignored the Commission's own explanation of it;
- (iv) Paddy Power fully complied with the 'primary gambling activity' condition, and the Gambling Commission did not say otherwise.

Preventing Gambling from being associated with disorder:

- (i) the sub-committee had regard to crime and disorder statistics which were fundamentally flawed as an evidential basis for the conclusions that were drawn from them;
- (ii) the sub-committee failed to have regard to a planning inspector's analysis of those same statistics, and his observations about them;
- (iii) even if the statistics were reliable, they pointed to the existence of a low level of disorder at some betting shops, and no disorder at all at others. The sub-committee's adverse assumption that if a licence were granted the new shop would necessarily fall into the former category rather than the latter was untenable, and offended the 'principles to be applied' set out by [s.153](#) of the Gambling Act 2005;
- (iv) disorder at existing betting shops (if evidenced) should be addressed by the review of those licences, not by refusing to license a new shop.

The judgment on appeal is not at all easy to follow. Doing one's best, however, it seems that having mentioned in passing that he believed the concept of primary gambling activity to be a matter for the Commission alone and not for the local authority at all, the District Judge concluded that the local authority could not take account of such activity when considering a premises licence application. He then went on to consider the evidence in respect of crime and disorder and concluded that the local authority's case had not been proved. The appeal was allowed. That decision, whilst strictly having no value as a precedent, is likely in fact to be cited in other cases concerning the primary activity point. To that end, in July 2013 the Commission issued a statement in which it reminded local authorities of their powers under the 2005 Act and further stated in a press release of 17 July 2013, that the Commission did not agree with the District Judge's suggestion that primary gambling activity was a matter for it alone. It pointed out that local authorities had a duty under [s 153\(1\)](#) to aim to permit premises to be used for gambling taking into account any relevant code of practice/guidance issued under [ss 24 and 25](#). The Commission statement and release is available on its website.

Subsequently, *Newham* sought judicial review of the District Judge's decision. However, following a directions hearing that application was compromised, with the result that an agreed declaration was issued in terms which reflect [s 153](#) of the 2005 Act.

Conditions

[5.159]

There are three types of condition which may be attached to a premises licence, 'mandatory conditions' under [s 167](#), 'default conditions' under [s 168](#) and conditions attached by the licensing authority in their discretion under [s 169](#). The Secretary of State may make regulations requiring that a specified condition or conditions ('mandatory conditions') be attached to premises licences generally, or to licences for premises in a specified class or in specified circumstances¹. This power has now been exercised in the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007² in respect of:

- all premises licences;
- casinos;
- bingo premises;
- adult gaming centres;

- family entertainment centres;
- betting premises;
- tracks.

He may also make regulations prescribing for a specified condition or conditions ('default conditions') to be attached to any premises licence unless excluded by the licensing authority who issue the licence; the regulations may provide for such conditions to apply to premises licences generally or only to a specified class of premises licence or in specified circumstances³. This power has now been exercised in the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007⁴ in respect of:

- casinos;
- bingo premises;
- betting premises;
- tracks.

Where a licensing authority propose to exclude a default condition they must hold a hearing of the application unless the applicant and any interested party or responsible authority who have made representations agree to dispense with a hearing⁵. The licensing authority may themselves attach a condition or conditions to a premises licence⁶. Such a condition may address a matter which would have been catered for by a default condition which the licensing authority have decided to exclude⁷, thus enabling the licensing authority to attach conditions which they consider are better framed to deal with the circumstances than the default condition would be. However, the discretionary power to attach conditions is not limited to this situation and the licensing authority have a wide discretion (subject to the controls noted below) to attach conditions to licences. Such conditions may apply to the premises generally or to a specified part of the premises⁸. A licensing authority may not, however, attach a condition in their discretion which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted⁹.

No mandatory condition, default condition or discretionary condition may be applied to a premises licence requiring all or part of the premises, or any activity taking place there, to be operated or carried on as a club or other body with membership or restricting use of any part of the premises wholly or partly by reference to membership of a club or other body¹⁰, nor may any such condition be attached which imposes limits on stakes, fees, winnings or prizes¹¹ though a mandatory condition dealing with fees for admission to a track is permitted¹².

If a mandatory condition, default condition or discretionary condition is attached requiring door supervision of the premises, then if the person carrying out the guarding is required to hold a licence under the [Private Security Industry Act 2001](#) that condition is treated as if it were also a condition of the premises licence¹³.

A premises licence must be subject to the condition that the premises shall not be used to provide facilities for gambling on Christmas Day¹⁴.

¹ [GA 2005, s 167\(1\), \(2\)](#).

² SI 2007/1409.

³ [GA 2005, s 168\(1\), \(2\)](#); s 169 (1)(b).

⁴ SI 2007/1409.

⁵ [GA 2005, s 162\(1\)\(c\)](#); s 162(2).

⁶ [GA 2005, s 169\(1\)\(a\)](#). These can include, for example, restricting the use of the premises to only part of the year: see SI 2007/479, art 9.

⁷ [GA 2005, s 169\(2\)](#).

⁸ [GA 2005, s 169\(3\)](#).

⁹ [GA 2005, s 169\(4\)](#).

¹⁰ [GA 2005, s 170](#).

¹¹ [GA 2005, s 171\(1\)](#).

¹² [GA 2005, s 171\(2\)](#).

¹³ [GA 2005, s 178](#).

¹⁴ [GA 2005, s 183](#).

Particular types of premises

Casinos

[5.160]

The [GA 2005](#) defines a casino as 'an arrangement whereby people are given an opportunity to participate in one or more casino games'¹. A 'casino game' means a game of chance which is not equal chance gaming². The definition applies both to traditional casinos located physically in buildings in which players play casino games, and to online casinos offering casino games by means of remote communication³, though only the former will be required to hold a premises licence⁴. The Government's proposals for the licensing of premises for casinos (which were modelled closely on the recommendations of the Gambling Review Body) proved to be highly contentious and the provisions of the [GA 2005](#) represent a substantial dilution of the original proposals. The Gambling Review Body concluded that the demand test for casinos (as for all gambling premises) should be abolished⁵ together with the rule confining casinos to permitted areas⁶ and the rule requiring casinos to be run as clubs⁷. The risk that casinos (and especially small casinos) might proliferate could, the Committee thought, be prevented by giving to local authorities the power to impose blanket bans on casino premises (as on all other gambling premises)⁸ and by empowering the Gambling Commission to give guidance which local authorities should be obliged to follow on the minimum floorspace for gaming areas in casinos. The Committee themselves recommended a minimum floor space of 2,000 square feet for the gaming floor devoted to table games in any casino⁹. The Government agreed with these recommendations in principle¹⁰ except for the proposal to allow local authorities a general power to impose blanket bans, a proposal which was later revived for casinos only. In a Statement 'Future Set Out For UK Casinos'¹¹ the Government proposed that there be two categories of casino, namely 'small' (with a total table gaming area of between 5,000 and 10,000 square feet) and 'large' (with a total table gaming area of above 10,000 square feet). Many existing casinos have table gaming areas of less than 5,000 square feet, and these would be permitted to continue. The Statement also alluded to the probability of large leisure developments incorporating casinos (variously called 'resort' or 'regional' casinos) which would be of very substantial size, though no separate category for these was proposed. By the time the Gambling Bill was published in October 2004 the categories of casino had been expanded to four, namely 'regional casinos', 'large casinos', 'small casinos' and 'below the minimum size for a licensed casino'¹² (the latter to accommodate casinos existing at the date of the passing of the Act). The Bill also included a clause¹³ enabling a local authority to resolve not to issue casino premises licences. Subject to that, however, the Government's view was that there should be no statutory limit to the number of casinos but that the number and location of casinos of all three types for which licences could be granted under the Act should be determined by market forces.

This approach, however, encountered formidable opposition in the course of Parliamentary debate and in a document 'Casinos: Statement of National Policy'¹⁴ published in December 2004 the Government announced that it proposed to limit the number of premises licences for small, large and regional casinos to eight each. However, even this concession was insufficient to allay concerns especially regarding regional casinos, and the Government finally agreed to limit the number of regional casinos to one in the first instance in order to secure Opposition co-operation in getting the Bill enacted. Thus the [GA 2005](#) in its final form provides:

- that a casino may be one of four types namely a regional casino, a large casino, a small casino or below the minimum size for a licensed casino¹⁵;
- that premises licences may be granted by local authorities for casinos of the first three types¹⁶. No licence may be granted for a casino of the fourth type; such casinos will be casinos of below the relevant floor size which are in existence when the Act comes into force and will be permitted to continue in operation as casinos under the transitional provisions of Sch 18;
- that a licensing authority may resolve not to issue casino premises licences¹⁷;
- that there may only be one casino premises licence in force for a regional casino, eight casino premises licences in force for large casinos and eight in force for small casinos¹⁸. The Secretary of State may, however, by order revise these limits so as to substitute a new maximum number of casino premises licences¹⁹.

During 2007 before the Act came into force it was announced that the Government was unhappy about the venue of the single regional casino in Manchester and that this would not be permitted there (or anywhere?) without further consultation. However in

2008 three statutory instruments revived what some had thought was a terminally-ill patient, the 2005 Act casino at least in respect of all categories save the regional casino²⁰. Further, SI 2009/1970 defines what is not a gaming table under s 172(3) and sets out the circumstances in which a gaming table is treated as being used under s 172(3)-(5).

- ¹ [GA 2005, s 7\(1\)](#).
- ² [GA 2005, s 7\(2\)](#).
- ³ [GA 2005, s 7\(4\)](#).
- ⁴ [GA 2005, s 37\(1\)\(a\)](#); s 37(6).
- ⁵ Gambling Review Report, CM 5206 2001, paras 20.16–20.25; 20.28.
- ⁶ Gambling Review Report, para 20.10 Recommendation 36.
- ⁷ Gambling Review Report, para 22.7 Recommendation 49.
- ⁸ Gambling Review Report, para 21.9.
- ⁹ Gambling Review Report, paras 20.11, 21.5.
- ¹⁰ DCMS 'A Safe Bet for Success' Appendix B, Recommendations 36, 37, 38, 41 and 43.
- ¹¹ Office of the Deputy Prime Minister and DCMS 7.8.03.
- ¹² Gambling Bill 2004, cl 7(5).
- ¹³ Gambling Bill 2004, cl 157.
- ¹⁴ DCMS 'Casinos: Statement of National Policy' 16.12.04.
- ¹⁵ [GA 2005, s 7\(5\)](#).
- ¹⁶ [GA 2005, s 174\(1\)](#).
- ¹⁷ [GA 2005, s 166](#).
- ¹⁸ [GA 2005, s 175\(1\), \(2\), \(3\)](#).
- ¹⁹ [GA 2005, s 175\(8\)](#).
- ²⁰ See SIs 2008/469, 2008/1327, 2008/1330.

[5.161]

Casinos for which premises licence applications can be made are classified as large or small in accordance with regulations¹. Current proposals² from Government are that:

- **Large casinos** A casino falls within this category if the combined floor area of those parts used for providing gambling facilities is at least 1,500 sq m but does not exceed 3,500 sq m³. They will be permitted five gaming machines (of up to Category B1) for each gaming table available for play, up to a maximum of 150 machines, and will also be permitted to provide betting and bingo⁴;
- **Small casinos** A casino falls within this category if the combined floor area of those parts used for providing gambling facilities is at least 500 sq m but does not exceed 1,500 sq m⁵. They will be permitted two gaming machines (of up to Category B1) for each gaming table available for play, up to a maximum of 80, and will also be permitted to provide betting, but not bingo⁶.

A casino is below the minimum size under the 2005 Act if the combined floor area of those parts used for providing gambling facilities is less than 500 sq m⁷.

- ¹ [GA 2005, s 7\(5\)](#).
- ² DCMS 2005: 'Gambling Act: Regulatory Impact Assessment' para 4.15.
- ³ See SI 2008/1330, reg 2(2).
- ⁴ [GA 2005, s 172\(4\)](#); s 174(3). All sub-categories of B are allowed save B3A: see SI 2007/2158, reg 6(3).
- ⁵ See SI 2008/1330, reg 2(3).
- ⁶ [GA 2005, s 172\(5\)](#); s 174(3), (4). All sub-categories of B are allowed save B3A: see SI 2007/2158, reg 6(3).
- ⁷ See SI 2008/1330, reg 2(4).

[5.162]

In addition to authorising the operation of a casino, a casino premises licence will authorise the holder to make facilities available for betting on the outcome of a virtual game, race, competition or other event or process¹. The licence will also authorise the holder to make available any number of games of chance other than casino games (eg equal chance card room games)². Regulations will provide for conditions to be imposed on casino licences to control the provision of automated table games such as Touchbet Roulette (where a real game of roulette is played with a wheel which is automatically spun without a croupier). Such conditions may limit the number of such machines and the number of players that can be accommodated on any one machine³. Conditions may also be imposed requiring the provision on the casino premises of recreational facilities or other specified facilities⁴.

A casino premises licence will be subject to a condition requiring compliance with Part II of the LCCP issued by the Gambling Commission (see para [AM5.6060](#)) relating to access to the casino premises of children or young people. The code requires specified steps to be taken to ensure that children and young people do not enter the areas of the casino where gaming takes place⁵ and lays down requirements relating to door supervision by a physical presence, not merely CCTV cameras, and the provision of evidence of age by persons seeking to enter such areas⁶.

A casino premises licence will also be subject to a condition prohibiting the licensee from giving credit in connection with gambling authorised by the licence and from participating in, arranging, permitting or knowingly facilitating the giving of credit in connection with such gambling. Such a condition will not prevent the installation of a machine enabling cash to be obtained on credit from an independent credit provider, but the licensee must have no commercial connection with the credit provider and may receive no payment or reward in connection with the machine⁷.

- ¹ [GA 2005, s 173](#).
- ² [GA 2005, s 174\(2\)](#).
- ³ [GA 2005, s 174\(6\)](#).
- ⁴ [GA 2005, s 174\(7\)](#).
- ⁵ [GA 2005, s 176\(1\), \(2\)](#).
- ⁶ [GA 2005, s 176\(2\)](#).
- ⁷ [GA 2005, s 177](#).

Competing applications for casino premises licences

[5.163]

The statutory cap on the number of premises licences that may be issued for regional, large and small casinos creates the need for

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a procedure to ensure that the power to award them is fairly distributed across the different licensing authorities throughout the country. It also makes necessary a mechanism by which such authorities may determine who is to receive a licence in cases where demand for licences exceeds the permitted supply. The Secretary of State has determined the geographical distribution of casino premises licences and specified which licence authorities may issue premises licences of a specified kind and the number of licences which may have effect¹. Neither an application for a casino premises licence nor an application for a provisional statement² relating to a casino may be made to a licensing authority if the authority would have no authority to grant it under the Order³. The [Gambling Act 2005, Sch 9, para 2](#) requires a licensing authority to invite applications where a limit is specified in relation to the relevant category of casino premises licence under s 175. The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008⁴ set out the rules about such invitations.

Regulation 3 provides that, before considering an application, a licensing authority must:

- publish an invitation calling for applications that accords with regs 4 and 5; and
- make arrangements for the provision, free of charge, of information about an invited application to be provided to a person on request until the latest date by which an application must be made in order to be considered by the licensing authority. The application pack must accord with reg 6.

Regulation 4 provides for the manner in which an invitation must be published. Regulation 5 sets out the information that must be included in an invitation. This information includes the closing date.

Regulation 6 sets out the information that must be included in an application pack.

Regulation 7(1) and (2) provides that:

- a licensing authority may not consider an application before the closing date stated in the invitation to which the application relates; and
- a licensing authority is not required to consider an application that is made after the relevant closing date.

Regulation 7(3) provides that an application that is made before the relevant closing date shall be treated, for the purposes of the Act and regulations made under it, as if it were made on the relevant closing date. This will mean, for example, that the period within which a person may make representations in relation to an application (prescribed by reg 15 of the [Gambling Act 2005](#) (Premises Licences and Provisional Statements) Regulations 2007⁵) will begin from the relevant closing date rather than the date that the application was actually made.

Where a licensing authority which is authorised to issue one or more casino licences of a specified kind receives applications for licences in excess of the number which they could grant they must adopt a two-stage approach in determining the applications as laid down in [GA 2005, Sch 9](#). First, they must consider each application individually to determine whether they would grant the application on its merits under s 163⁶ if they had a free hand and the cap imposed by s 175 and the Order did not exist⁷. In deciding this question the licensing authority must not have regard to whether any of the other competing applications is more deserving of being granted⁸, but each competing applicant is an 'interested party' in relation to any other competing application⁹ and so may make representations as to the merits of that application. Where the licensing authority decide that they would not grant the application on its merits under s 163 then the application is rejected and the applicant has a right of appeal to the magistrates' court¹⁰. Where the authority decide that they would grant the application on its merits under s 163 they will make a 'provisional decision to grant an application'¹¹. Any person who made representations in relation to the application and the applicant may appeal against that decision¹². Where the authority provisionally decide to grant a number of licences in excess of the number they have the power to award under s 175 and the Order they must determine which of the competing applications they will grant¹³. For that purpose they must determine which of the competing applications would in their opinion be likely if granted to result in the greatest benefit to their area¹⁴. They may secure such anticipated benefits by entering into a written agreement with an applicant for the provision of services in their area, or otherwise¹⁵, and may attach conditions to the licence to give effect to such an agreement¹⁶. Having determined to grant one or more applications the licensing authority must then grant those applications and reject any other competing applications¹⁷. The Secretary of State has now issued a code of practice to guide licensing authorities in the decision making process under Sch 9¹⁸. As noted an appeal lies to the magistrates' court in respect of a decision under Sch 9, para 4 to make a provisional decision to grant an application or a decision to reject an application on its merits¹⁹ but no appeal may be brought in respect of a decision made under Sch 9, para 5 to grant or refuse one of a number of competing applications²⁰. No doubt a disappointed applicant could seek to challenge the decision by way of an application for judicial review if grounds existed.

The places in which 2005 casinos may be situated are listed in SI 2008/1327.

¹ [GA 2005, s 175\(4\)](#).

² For provisional statements see para [5.183](#) below.

³ [GA 2005, s 175\(5\), \(6\)](#).

- ⁴ SI 2008/469.
- ⁵ SI 2007/459.
- ⁶ For [GA 2005, s 163](#) see para [5.158](#) above.
- ⁷ [GA 2005 Sch 9, para 3, 4.](#)
- ⁸ [GA 2005 Sch 9, para 4\(2\)\(a\).](#)
- ⁹ [GA 2005 Sch 9, para 4\(2\)\(b\).](#)
- ¹⁰ [GA 2005 Sch 9, para 4\(2\)\(c\); s 206\(1\).](#)
- ¹¹ [GA 2005 Sch 9, para 4\(2\)\(c\).](#)
- ¹² [GA 2005 Sch 9, para 4\(2\)\(c\); s 206\(2\).](#)
- ¹³ [GA 2005, Sch 9, para 5.](#)
- ¹⁴ [GA 2005, Sch 9, para 5\(3\)\(a\).](#)
- ¹⁵ [GA 2005, Sch 9, para 5\(3\)\(b\).](#)
- ¹⁶ [GA 2005, Sch 9, para 5\(3\)\(c\).](#)
- ¹⁷ [GA 2005, Sch 9, para 5\(4\).](#)
- ¹⁸ See the DCMS Code of Practice published on 26 February 2008 (see para [AM5.6232](#)).
- ¹⁹ [GA 2005, Sch 9, para 8\(1\).](#)
- ²⁰ [GA 2005, Sch 9, para 8\(4\).](#)

Resolution not to issue casino premises licences

[5.164]

As has been noted the Gambling Review Body recommended that local authorities should have the power to institute a blanket ban on all, or particular types of, gambling premises in their area or any specified part of it¹. The Government rejected this proposal as too sweeping, but introduced it in the case of casinos only. A licensing authority may resolve not to issue casino premises licences². The exercise of this power by the licensing authority is one that may not be delegated to the licensing committee³. No criteria for the exercise of the power are set out in the Act; rather the Act states that in passing such a resolution a licensing authority 'may have regard to any principle or matter'⁴ a provision which appears designed to confer a virtually unlimited and unfettered discretion on the authority. In practice the local authority would be subject to the usual principles of public law in exercising their discretion to make such a resolution reasonably and in good faith, for proper purposes only, and in accordance with the spirit as well as the letter of the Act. The Act does not provide for the exercise of the discretion to be conditional upon any form of consultation, but here again public law principles would, at least in some circumstances, be likely to impose a duty to engage in some degree of consultation particularly if there were parties who could claim to have a legitimate expectation to be consulted.

A resolution must apply to the issue of casino licences generally⁵, so it would not be possible for a licensing authority to resolve, for example, against granting casino premises licences for regional and large casinos but to leave their discretion intact in the case of small casinos. The resolution must specify the date on which it takes effect⁶; it lapses at the end of the period of three years beginning with that date⁷, though it may be revoked before then by a further resolution⁸. A resolution may be passed whether or not the licensing authority have already issued casino premises licences⁹, but a resolution will not have any effect on licences issued before it takes effect¹⁰, nor on provisional statements relating to the operation of a casino in force at that time¹¹, nor on licences converted into casino premises licences under Sch 18, or casino premises licences issued in accordance with a requirement of that schedule¹². A resolution not to issue casino premises licences may not be taken into account in carrying out a review of a casino premises licence¹³. The Secretary of State may by order require a licensing authority to consider, either once or at specified intervals, whether or not to pass a resolution not to issue casino premises licences¹⁴. Such an order may be directed to one or more

licensing authorities, may require the licensing authority to consult persons or classes of persons likely to be affected by the resolution, may require other procedural steps and may specify a period within which the consideration must take place¹⁵.

¹ Gambling Review Report DCMS 2001, para 21.9.

² [GA 2005, s 166](#).

³ [GA 2005, s 154\(2\)\(a\)](#).

⁴ [GA 2005, s 166\(2\)](#).

⁵ [GA 2005, s 166\(3\)\(a\)](#).

⁶ [GA 2005, s 166\(3\)\(b\)](#).

⁷ [GA 2005, s 166\(3\)\(d\)](#).

⁸ [GA 2005, s 166\(3\)\(c\)](#).

⁹ [GA 2005, s 166\(4\)\(a\)](#).

¹⁰ [GA 2005, s 166\(4\)\(b\)](#).

¹¹ [GA 2005, s 166\(4\)\(c\)](#).

¹² [GA 2005, s 166\(4\)\(d\) and \(e\)](#).

¹³ [GA 2005, s 166\(4\)\(f\)](#).

¹⁴ [GA 2005, s 166\(7\)](#); s 166(8)(e).

¹⁵ [GA 2005, s 166\(8\)\(a\)-\(d\)](#).

Mandatory and default conditions which attach to casino premises licences

[5.164A]

Regulation 3 of the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007¹ attaches to all such premises licences the following mandatory conditions:

- (1) The summary of the terms and conditions of the premises licence issued under [s 164\(1\)\(c\)](#) of the GA 2005 shall be displayed in a prominent position within the premises.
- (2) The layout of the premises shall be maintained in accordance with the plan.
- (3) The premises shall not be used for
 - (a) the sale of tickets in a private² or customer³ lottery or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets is otherwise prohibited⁴.

Regulations 4–9 additionally attach the following conditions to casino premises licences; some have general and others specific application.

¹ SI 2007/1409.

² See [GA 2005, Sch 11, paras 10 and 11](#).

³ See [GA 2005](#), Part 3, Sch 11.

⁴ See the National Lottery Regulations 1994 (SI 1994/189) which prohibit the sale of National Lottery tickets in specified premises licensed for gambling activities.

Mandatory conditions attaching to all casino premises licences

- '1 —
- (1) The principal entrance to the premises shall be from a street.
- (2) No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.
- (3) No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
- 2 A gap of at least two metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.
- 3 No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
- (1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.
- (2) The condition in sub-paragraph (1) may be satisfied by—
- (a) displaying a clear and legible sign setting out the rules; or
- (b) making available to customers leaflets or other written material containing the rules.
- 5 Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.'

Default conditions attaching to all casino premise licences

'No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.'

Mandatory conditions attaching to converted casino premises licences

- '1 A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.
- 2 —
- (1) This paragraph shall apply to premises which have a gambling area the floor area of which is no less than 200m².
- (2) In determining the floor area of the gambling area, all areas in which facilities for gambling are provided on the premises shall be taken into account.
- (3) The premises shall contain a non-gambling area, the floor area of which is no less than 10% of the floor area of the gambling area.
- (4) The non-gambling area may consist of one or more areas within the premises.
- (5) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.
- (6) Facilities for gambling shall not be provided in the non-gambling area.
- (7) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (5), shall contain recreational facilities that are available for use by customers on the premises.'

Mandatory conditions attaching to regional casino premises licences

- '1 A notice shall be displayed in a prominent place at every entrance to the gambling area of the premises stating that no person under the age of 18 years is permitted to enter that part of the premises.
- 2 The gambling area of the premises shall not be capable of being seen from any part of the premises to which children, young persons, or both, have access.
- 3 —
- (1) The premises shall contain a table gaming area the floor area of which is no less than 1000m².

(2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.

(4) No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.

4 —

(1) The premises shall contain a non-gambling area the floor area of which is no less than 1500m².

(2) The non-gambling area may consist of one or more areas within the premises.

(3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

(4) Facilities for gambling shall not be provided in the non-gambling area.

(5) At any time during which facilities for gambling are provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (3), shall contain recreational facilities that are available for use by customers on the premises.

5 A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

6 —

(1) A notice setting out the information in sub-paragraph (2) shall be displayed in a prominent place at the main point on the premises where payment for the charge is to be made for a game card (or set of game cards) in respect of a game of bingo.

(2) The notice in sub-paragraph (1) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a), the maximum amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(3) The notice may be displayed in electronic form.

(4) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.

(5) The rules of each type of bingo game that is available to be played on the premises shall be made available to customers in each part of the premises used for providing facilities for bingo.

(6) The condition in sub-paragraph (5) may be satisfied by—

(a) displaying a sign setting out the rules,

(b) making available leaflets or other written material containing the rules, or

(c) running an audio-visual guide to the rules prior to any bingo game being commenced.

7 No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.'

Mandatory conditions attaching to large casino premises licences

'1 A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2 —

(1) The premises shall contain a table gaming area, the floor area of which is no less than 1000m².

(2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.

- 3 No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.
- 4 —
- (1) The premises shall contain a non-gambling area which comprises no less than 500m².
- (2) The non-gambling area may consist of one or more areas within the premises.
- (3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.
- (4) Facilities for gambling shall not be provided in the non-gambling area.
- (5) At any time during which facilities for gambling are being provided on the premises, each separate area comprising of the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (3), shall contain recreational facilities that are available for use by customers on the premises.
- 5 A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.
- 6 —
- (1) A notice setting out the information in sub-paragraph (2) shall be displayed in a prominent place at the main point on the premises where payment for the charge is to be made for a game card (or set of game cards) in respect of a game of bingo.
- (2) The notice in sub-paragraph (1) shall include the following information—
- (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
- (b) in respect of each game card (or set of game cards) referred to in paragraph (a) the maximum amount that will be charged by way of a participation fee for entitlement to participate in that game; and
- (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
- (3) The notice may be displayed in electronic form.
- (4) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.
- (5) The rules of each type of bingo game that is available to be played on the premises shall be made available to customers in each part of the premises used for providing facilities for bingo.
- (6) The condition in sub-paragraph (5) may be satisfied by—
- (a) displaying a sign setting out the rules,
- (b) making available leaflets or other written material containing the rules, or
- (c) running an audio-visual guide to the rules prior to any bingo game being commenced.
- 7 No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.'

Mandatory conditions attaching to small casino premises licences

- '1 A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- 2 —
- (1) The premises shall contain a table gaming area, the floor area of which is no less than 500m².
- (2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.
- (3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.
- 3 No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.
- 4 —
- (1) The premises shall contain a non-gambling area which comprises no less than 250m².

- (2) The non-gambling area may consist of one or more areas within the premises.
 - (3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.
 - (4) Facilities for gambling shall not be provided in the non-gambling area.
 - (5) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (3), shall contain recreational facilities that are available for use by customers on the premises.
- 5 A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.
- 6 No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.'

Bingo premises licences

[5.165]

In addition to authorising the provision of facilities for the playing of bingo a bingo premises licence¹ authorises the holder to make available for use Category B gaming machines, as long as the number of these does not exceed 20% of the total number of machines on the premises², and an unlimited number of Category C and Category D gaming machines³. Such a licence will also be subject to a condition prohibiting the holder from giving credit in connection with the gambling authorised by the licence in the same terms as apply in the case of a casino premises licence (see para 5.162 above)⁴. As in the case of a casino a machine may be installed on the premises enabling cash to be obtained on credit from an independent credit provider if the licensee has no commercial connection with the credit provider and derives no benefit from the provision of the machine⁵.

¹ [GA 2005, s 150\(1\)\(b\)](#).

² This includes only sub-category B3 and B4 machines: see SI 2007/2158, reg 6(3).

³ [GA 2005, s 172\(7\)](#) as amended.

⁴ [GA 2005, s 177\(1\) and \(2\)](#).

⁵ [GA 2005, s 177\(3\)](#).

Mandatory and default conditions which attach to bingo premises licences

[5.165A]

Regulation 3 of the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007¹ attaches to all such premises licences the following mandatory conditions:

- (1) The summary of the terms and conditions of the premises licence issued under [s 164\(1\)\(c\)](#) of the GA 2005 shall be displayed in a prominent place within the premises.
- (2) The layout of the premises shall be maintained in accordance with the plan.
- (3) The premises shall not be used for
 - (a) the sale of tickets in a private² or customer³ lottery or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets is otherwise prohibited⁴.

Regulations 10–11 additionally attach the following conditions to all bingo premises licences.

¹ SI 2007/1409.

² See [GA 2005, Sch 11, paras 10 and 11](#).

³ See [GA 2005](#), Part 3, Sch 11.

⁴ See the National Lottery Regulations 1994 (SI 1994/189) which prohibit the sale of National Lottery tickets in specified premises licensed for gambling activities.

Mandatory conditions

- ¹ A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
- 2 No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—
- (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence other than a track premises licence; and
- 3 —
- (1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.
 - (2) Any area of the premises to which category B and C gaming machines are located—
 - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
 - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - (c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3).
 - (3) The reference to supervision in this paragraph means supervision by—
 - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
 - (4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
- 4 —
- (1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.
 - (2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.
 - (3) The notice in sub-paragraph (2) shall include the following information—
 - (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
 - (b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and
 - (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
 - (4) The notice may be displayed in electronic form.
 - (5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.
- 5 —
- (1) The rules of each type of game that is available to be played [on] the premises other than games played on gaming machines shall be made available to customers within the premises.

- (2) The condition in sub-paragraph (1) may be satisfied by—
- (a) displaying a sign setting out the rules,
 - (b) making available leaflets or other written material containing the rules, or
 - (c) running an audio-visual guide to the rules prior to any bingo game being commenced.

6 Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.'

Default conditions

- 1 Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.
- 2 The condition in paragraph 1 shall not apply to making gaming machines available for use.'

Adult gaming centre premises licences

[5.166]

An adult gaming centre premises licence¹ authorises the holder to make available for use Category B gaming machines as long as the number of these does not exceed 20% of the total number of machines on the premises, together with an unlimited number of Category C and Category D gaming machines².

¹ [GA 2005, s 150\(1\)\(c\)](#).

² [GA 2005, s 172\(1\)](#) as amended. Note that category B machines can only be sub-category B3 and B4 machines: see SI 2007/2158, reg 6(3).

Mandatory conditions which attach to adult gaming centre premises licences

[5.166A]

Regulation 3 of the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007¹ attaches to such premises licences the following mandatory conditions:

- (1) The summary of the terms and conditions of the premises licence issued under [s 164\(1\)\(c\)](#) of the GA 2005 shall be displayed in a prominent place within the premises.
- (2) The layout of the premises shall be maintained in accordance with the plan.
- (3) The premises shall not be used for
 - (a) the sale of tickets in a private² or customer³ lottery, or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets is otherwise prohibited⁴.

Regulation 12 additionally attaches the following mandatory conditions to all AGC premises licences:

- 1 A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- 2 No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
- 3 Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- 4 —
 - (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
 - (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.'

- ¹ SI 2007/1409.
- ² See [GA 2005, Sch 11, paras 10 and 11](#).
- ³ See [GA 2005](#), Part 3, Sch 11.
- ⁴ See the National Lottery Regulations 1994 (SI 1994/189) which prohibit the sale of National Lottery tickets in specified premises licensed for gambling activities.

Family entertainment centre premises licences

[5.167]

A family entertainment centre premises licence¹ authorises the holder to make an unlimited number of Category C and Category D gaming machines available for use on the premises².

- ¹ [GA 2005, s 150\(1\)\(d\)](#).
- ² [GA 2005, s 172\(2\)](#).

Mandatory conditions which attach to family entertainment centre premises licences

[5.167A]

Regulation 3 of the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007¹ attaches to such premises licences the following mandatory conditions:

- (1) The summary of the terms and conditions of the premises licence issued under [s 164\(1\)\(c\)](#) of the GA 2005 shall be displayed in a prominent position within the premises.
- (2) The layout of the premises shall be maintained in accordance with the plan.
- (3) The premises shall not be used for:
 - (a) the sale of tickets in a private² or customer³ lottery or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets is otherwise prohibited⁴.

Regulation 13 additionally attaches the following mandatory conditions to all FEC premises licences:

- ¹ No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence other than a track premises licence.
- ² Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- ³ —
 - (1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—
 - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
 - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - (c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (2).

(2) The reference to supervision in this paragraph means supervision by—
(a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
(b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.

(3) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.

4 —

(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.'

¹ SI 2007/1409.

² See [GA 2005, Sch 11, paras 10 and 11](#).

³ See [GA 2005](#), Part 3, Sch 11.

⁴ See National Lottery Regs 1994 (SI 1994/189) which prohibit sale of National Lottery tickets in specified premises licensed for gambling activities.

Betting premises licences

[5.168]

As well as authorising premises to be used for the provision of facilities for betting¹ a betting premises licence¹ authorises the holder to make available for use up to four gaming machines each of which must be of Category B, C or D², though this provision only applies to a betting premises licence in respect of a track if the holder also holds a pool betting operating licence³. A betting premises licence authorises the holder to make facilities available for betting on the outcome of a virtual game, race, competition or other event or process⁴ such as the bets on virtual races like Portman Park (virtual horses) and Millersfield (virtual greyhounds) currently offered in many licensed betting offices.

A betting premises licence in respect of a track may only authorise the acceptance of bets by way of pool betting if those bets are on horse-racing or dog-racing and the bets are accepted by the holder of the betting premises licence or in accordance with arrangements made by him⁵. A betting premises licence in respect of premises which are not a dog track is subject to the condition that pool bets on dog-racing may not be accepted in reliance on the licence except in accordance with arrangements made with the occupier of the dog-track on which the racing takes place⁶.

As has been noted above a betting premises licence authorises use of up to four gaming machines on the premises. Betting premises may also make available betting machines which can be used to bet on future real events, and such machines do not qualify as gaming machines⁷. Conditions may, however, be attached to a betting premises licence relating to the number and nature of betting machines to be used on the premises and the circumstances in which they may be made available for use⁸.

A betting premises licence in respect of a track must be subject to a condition that the licensee must ensure that children and young persons are excluded from any area where facilities for betting are provided and any area where a gaming machine (other than a Category D machine) is situated⁹. However, the requirement to exclude children and young persons from betting areas does not apply to a dog track or to a horse-race course on days when dog-racing or horse-racing or a race or other sporting event take place or are expected to take place there¹⁰.

¹ [GA 2005, s 150\(1\)\(e\)](#).

² [GA 2005, s 172\(8\)](#). Only sub-categories B2, B3 and B4 are included: see SI 2007/2158, reg 6(3).

³ [GA 2005, s 172\(9\)](#).

- ⁴ [GA 2005, s 173](#).
- ⁵ [GA 2005, s 179](#).
- ⁶ [GA 2005, s 180](#).
- ⁷ [GA 2005, s 235\(2\)\(c\)](#).
- ⁸ [GA 2005, s 181\(1\)](#).
- ⁹ [GA 2005, s 182\(1\)](#).
- ¹⁰ [GA 2005, s 182\(2\)](#) as amended by SI 2007/1410.

Mandatory and default conditions which attach to non-track betting premises licences

[5.168A]

Regulation 3 of the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007¹ attaches to all such premises licences the following mandatory conditions:

- (1) The summary of the terms and conditions of the premises licence issued under [s 164\(1\)\(c\)](#) of the GA 2005 shall be displayed in a prominent place within the premises.
- (2) The layout of the premises shall be maintained in accordance with the plan.
- (3) The premises shall not be used for:
 - (a) the sale of tickets in a private² or customer³ lottery or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets is otherwise prohibited⁴.

Regulations 14 and 15 additionally attach the following conditions to all non-track betting premises licences.

- ¹ SI 2007/1409.
- ² See [GA 2005, Sch 11, paras 10 and 11](#).
- ³ See [GA 2005](#), Part 3, Sch 11.
- ⁴ See the National Lottery Regulations 1994 (SI 1994/189) which prohibit the sale of National Lottery tickets in specified premises licensed for gambling activities.

Mandatory conditions

- ¹ A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- ² —
- (1) Access to the premises shall be from a street or from other premises with a betting premises licence.
 - (2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
- ³ Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
- ⁴ Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- ⁵ No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

(a) communicating information about, or coverage of, sporting events, including—
(i) information relating to betting on such an event; and
(ii) any other matter or information, including an advertisement, which is incidental to such an event;

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6 No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7 No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8 —

(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

9 A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.'

Default conditions

'No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.'

Mandatory and Default conditions which attach to all track premises licences

[5.168B]

Regulation 3 of the [Gambling Act 2005](#) (Mandatory and Default Conditions) (England and Wales) Regulations 2007¹ attaches to all such premises licences the following mandatory conditions:

- (1) The summary of the terms and conditions of the premises licence issued under [s 164\(1\)\(c\)](#) of the GA 2005 shall be displayed in a prominent place within the premises.
- (2) The layout of the premises shall be maintained in accordance with the plan.
- (3) The premises shall not be used for:
 - (a) the sale of tickets in a private² or customer³ lottery or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets is otherwise prohibited⁴.

Regulations 16 and 17 additionally attach the following conditions to all track premises licences.

¹ SI 2007/1409.

² See [GA 2005, Sch 11, paras 10 and 11](#).

³ See [GA 2005](#), Part 3, Sch 11.

⁴ See the National Lottery Regulations 1994 (SI 1994/189) which prohibit the sale of National Lottery tickets in specified premises licensed for gambling activities.

Mandatory conditions attaching to all types of track premises licences

'1 No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—

- (a) a casino premises licence;
- (b) an adult gaming centre premises licence.

- 2 A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.
- 3 The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.
- 4 The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—
- (a) will be operating under a valid operating licence; and
 - (b) are enabled to accept such bets in accordance with—
 - (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or
 - (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act.
- 5 The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.
- 6 Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.'

Default conditions attaching to all track premises licences

- '1 Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.
- 2 The prohibition in paragraph 1 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.'

Mandatory conditions attaching to horse-race courses

- '1 —
- (1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.
 - (2) The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operators' assistants to use it for carrying on business in connection with providing facilities for betting.
 - (3) Sub-paragraph (2) is without prejudice to any application under section 187 of the 2005 Act (application to vary a premises licence) to change the location of the part of the track to which that sub-paragraph applies.
 - (4) Where such an application is granted, sub-paragraph (2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.
 - (5) References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.
 - (6) The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—
 - (a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and
 - (b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.
 - (7) A betting operator or betting operator's assistant shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.
 - (8) No charges may be made to betting operators and betting operators' assistants who are admitted to the existing betting areas of the track, other than—
 - (a) the charge for admission in accordance with sub-paragraphs (6) and (7), and

(b) charges levied to cover costs reasonably incurred in connection with enabling betting operators and betting operators' assistants to operate in the existing betting area.

(9) This paragraph shall not apply after 31st August 2012.

2 —

(1) This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.

(2) The licence holder shall provide a place on the premises where betting operators and betting operators' assistants, including small-scale operators, may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.

(3) The reference in this paragraph to "small-scale operators" shall have the same meaning as prescribed in The [Gambling Act 2005](#) (Definition of Small-scale Operator) Regulations 2006.

(4) This paragraph shall not apply to converted track premises licences before 1st September 2012.

3 In this Part "converted track premises licence" means a premises licence issued in respect of a track where—

(a) the holder of the licence held a certificate under section 13 of the 1963 Act, in respect of the same or substantially the same premises (referred to below as "the 1963 Act permission");

(b) the 1963 Act permission had effect immediately before 1st September 2007; and

(c) the holder of the licence was granted the premises licence, under transitional provisions made under paragraph 9 of Schedule 18 to the 2005 Act, by reason of his holding the 1963 Act permission.'

Mandatory conditions attaching to dog racing tracks

'1 A totalisator on the premises shall only be operated—

(a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and

(b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.

2 —

(1) At any time during which the totalisator is being lawfully used on the premises—

(a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and

(b) there shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.

(2) This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.

3 For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.'

Duration of premises licence

[5.169]

Unless brought to an end by one of the provisions of the [GA 2005](#) (eg surrender, lapse) premises licences will be of unlimited duration subject to the power of the Secretary of State to make regulations providing that premises licences, or a class of premises licences, shall expire at the end of a prescribed period¹. Such regulations may have retrospective effect and may make provision about renewals². None have yet been published.

¹ [GA 2005, s 191\(1\), \(4\)](#).

² [GA 2005, s 191\(2\), \(3\)](#).

The licence

[5.170]

A premises licence must specify the name of the person to whom it is issued together with a home or business address for him, specify the premises to which it relates and the activities permitted and specify any condition attached under s 169(1)(a) and any default condition excluded under s 169(1)(b). It must also include a plan of the premises and if a period has been prescribed for the expiry of the licence it must specify the period¹. Regulations have been made imposing additional requirements about the form and contents of a premises licence². A licensing authority must maintain a register of premises licences issued by it and must make arrangements for public inspection of the register and for copies of entries on the register to be provided to the public³. Regulations may be made about the form of such registers and the manner in which they are to be maintained⁴. Regulations may also be made requiring licensing authorities to give to the Gambling Commission specified information about premises licences issued by them, and for the Gambling Commission to maintain a register of such information and to make it available for public inspection and for copies of the entries to be supplied⁵.

On the grant of a premises licence the holder will have to pay a first annual fee, and he will have to pay an annual fee before each anniversary of the issue of the licence⁶. Regulations made by the Secretary of State prescribe the maximum amount of such fees (which may differ depending on the type of gambling authorised and the circumstances of the licence)⁷. The regulations provide for the amount of the fee to be determined by a licensing authority⁸. Section 212 lays down the procedure to be followed by the licensing authority in fixing fees⁹. A premises licence must be kept on the premises to which it relates¹⁰, and must be made available on request to a constable, an enforcement officer or an authorised local authority officer¹¹. Where a premises licence or a summary of the licence¹² is lost, stolen or damaged the licensee may apply to the licensing authority for a copy¹³ and the licensing authority must, on payment of the prescribed fee, grant the application and issue a certified copy of the licence or summary if it is satisfied that the original has been lost, stolen or damaged and that the loss or theft (where that is the basis of the application) has been reported to the police¹⁴. The copy is to be treated as if it were the licence or summary¹⁵.

If the holder of a premises licence ceases to reside or attend at the address specified in the licence he must as soon as reasonably practicable notify the licensing authority and inform them of a home or business address at which he resides or attends¹⁶. Regulations may be made requiring the holder of a premises licence to notify the licensing authority of other specified changes of circumstances¹⁷. Where a change of circumstances notified to the licensing authority falsifies information contained in the premises licence the notification must be accompanied by the licence (or an application for a copy) and the prescribed fee, and the licence must be altered by the licensing authority, or any copy issued on the application must be issued by the authority in a form, so as to reflect the change in circumstance¹⁸.

¹ [GA 2005, s 151\(1\)](#).

² [GA 2005, s 151\(2\)](#). See SI 2007/459, regs 20–21 and 24.

³ [GA 2005, s 156\(1\)](#).

⁴ [GA 2005, s 156\(3\)](#). There are no regulations yet.

⁵ [GA 2005, s 156\(4\)](#).

⁶ [GA 2005, s 184\(1\)](#).

⁷ [GA 2005, s 184\(3\), \(4\)](#). See SI 2007/479.

⁸ [GA 2005, s 212\(1\)](#).

⁹ [GA 2005, s 212\(2\)-\(6\)](#).

¹⁰ [GA 2005, s 185\(1\)](#).

¹¹ [GA 2005, s 185\(1\)](#).

¹² It is given under [GA 2005, s 164](#).

¹³ [GA 2005, s 190\(1\)](#).

¹⁴ [GA 2005, s 190\(2\), \(3\) and \(4\)](#) and SI 2007/459, reg 13.

¹⁵ [GA 2005, s 190\(5\)](#).

¹⁶ [GA 2005, s 186\(1\)](#).

¹⁷ [GA 2005, s 186\(2\)](#).

¹⁸ [GA 2005, s 186\(3\), \(4\), \(5\)](#).

Variation of premises licence

[5.171]

The holder of a premises licence may apply to the licensing authority to vary the licence by adding, amending or removing an authorised activity, amending another detail of the licence, excluding a default condition or adding, amending or removing a discretionary condition.¹ A licence may not, however, be varied so as to apply to premises to which it did not previously relate.² The [Gambling Act 2005](#) (Premises Licences and Provisional Statements) Regulations 2007³ make provision for variation applications. Regulation 7 states that an application to vary must be in the form specified in Sch 2 and if it is an application to vary the premises plan it must be accompanied by a plan which must show the matters required by an application for the issue of a premises licence. See also regs 12–16 which set out to whom notice of the application must be given, its publication, the period within which representations may be made by an interested party or responsible authority and the manner of making and giving applications/notices. An application for a variation must be accompanied by a statement of the variation sought⁴ and also by the licence to be varied or a statement explaining why this is not reasonably practicable and an application for a copy⁵. In granting an application for variation the licensing authority must specify a time when the variation will begin to have effect, and it may make transitional provisions⁶.

¹ [GA 2005, s 187\(1\)](#).

² [GA 2005, s 187\(2\)](#).

³ SI 2007/459.

⁴ [GA 2005, s 187\(5\)](#).

⁵ [GA 2005, s 187\(6\)](#).

⁶ [GA 2005, s 187\(7\)](#).

Transfer of premises licence

[5.172]

A person may apply to a licensing authority for a premises licence to be transferred to him¹. The application is made in the same way as an application for a new licence except as is provided by [GA 2005, ss 188 and 189](#) and by SI 2007/459, regs 8 and 11 and Sch 3². The differences are noted below. The application must specify the time when the transfer is to take effect and be accompanied by a written statement by the licensee consenting to the transfer³ though the licensing authority have a discretion to dispense with the latter requirement and to proceed to determine the application without the licensee's consent if the application states that the applicant has failed to contact the licensee having taken all reasonable steps to do so⁴. If the licensing authority decide to dispense with the requirement of the licensee's consent they must themselves take all reasonable steps to notify the licensee⁵. The application for transfer must be accompanied by the licence or a statement explaining why this is not reasonably practicable and an application for a copy⁶. Where the application for transfer is made by an applicant who states that he has failed to contact the licensee any application for a copy of the licence must be made by that applicant and a reference to the licence being lost, stolen or damaged is to be treated as a reference to the licence being unavailable to the applicant for transfer⁷. Notice of the application for transfer need only be given to those responsible authorities mentioned in s 157(a)–(c) and (h)–(i)⁸. Although those responsible authorities will be able to make written representations to the licensing authority on the transfer application no such representations will be able to be made by interested parties⁹.

A licensing authority must grant the application for transfer unless they think it would be wrong to do so having regard to representations made by one or more responsible authorities¹⁰. On granting the application the authority must alter the licence to show the applicant as the licensee and must specify the time when the transfer takes effect (which will be either the time specified in the application or, if later, the time when the application is granted)¹¹. The authority may also make such other alterations as

appear to be required¹².

An application for transfer of a premises licence may include a request that the licence shall have effect as if the applicant for transfer were the licensee during the period between the receipt of the transfer application by the licensing authority and the determination of the application, and if such a request is made the licence will have effect in those terms¹³.

Where, following a competition under [GA 2005, Sch 9](#) (see para [5.163](#) above), a casino premises licence has been granted subject to a condition which gives effect to a written agreement between the licensee and the licensing authority, the licence may not be transferred unless the transferee enters into an agreement which appears to the licensing authority to have substantially the same effect as the original agreement and the condition is altered to give effect to the new agreement¹⁴.

¹ [GA 2005, s 188\(1\)](#).

² [GA 2005, ss 188\(2\), 189\(4\)](#).

³ [GA 2005, s 188\(3\)](#).

⁴ [GA 2005, s 189\(1\)](#).

⁵ [GA 2005, s 189\(1\)\(a\)](#).

⁶ [GA 2005, s 189\(2\)](#).

⁷ [GA 2005, s 189\(3\)](#).

⁸ [SI 2007/459, reg 12\(2\)](#).

⁹ [GA 2005, s 189\(5\)](#).

¹⁰ [GA 2005, s 188\(4\)](#).

¹¹ [GA 2005, s 188\(5\)\(a\), \(b\)](#).

¹² [GA 2005, s 188\(5\)\(c\)](#).

¹³ [GA 2005, s 189\(6\)](#).

¹⁴ [GA 2005, s 188\(6\)](#).

Termination of premises licences

[5.173]

As noted (see para [5.169](#) above) premises licences will be of unlimited duration unless future regulations provide otherwise. A licence may, however, be determined in a number of ways.

Surrender

[5.174]

The licensee may surrender the licence by notifying the licensing authority of his intention to surrender it and by giving to the authority either the licence or a written statement explaining why it is not reasonably practicable to produce it¹. The licensing authority must as soon as reasonably practicable after receipt of the notification inform the Gambling Commission, the chief officer of police for any area in which the premises are wholly or partly situated and HMRC².

¹ [GA 2005, s 192\(1\)](#).

² [GA 2005, s 192\(2\)](#).

Revocation

[5.175]

Where the licensee fails to pay the annual renewal fee the licensing authority must revoke the licence unless they think that the failure to pay is attributable to administrative error¹.

¹ [GA 2005, s 193](#).

Lapse and reinstatement of premises licence

[5.176]

Where a premises licence has been issued to an individual the licence lapses if the licensee dies, becomes in the opinion of the licensing authority (as notified to the individual) incapable of carrying on the licensed activities by reason of mental or physical disability, or becomes bankrupt within the meaning of s 381 of the Insolvency Act 1986¹. In other cases (ie in practice where the licence has been granted to a company) the licence lapses if the licensee ceases to exist or goes into liquidation within the meaning of s 247(2) of the Insolvency Act 1986². Where a licensing authority becomes aware that a premises licence issued by them has lapsed they must as soon as is reasonably practicable notify the Gambling Commission, the chief officer of police for any area in which the premises are wholly or partly situated and HMRC³. During the period of six months beginning with the date of the lapse of the premises licence a person may apply to the licensing authority for the licence to be reinstated with the applicant as licensee⁴. The person seeking reinstatement will have to hold a relevant operating licence except in the case of betting premises licences in respect of tracks. The application is made in the same way as is an application for a new licence subject to the differences noted below⁵. The application for reinstatement must be in the form set out in Sch 4 to SI 2007/459⁶ and must request that the reinstatement take effect upon the application being granted⁷. It must be accompanied by the licence or by a statement explaining why it is not reasonably practicable to provide the licence, and an application for the issue of a copy of the licence⁸ made by the applicant for reinstatement⁹. Any reference in such an application to the licence being lost, stolen or damaged is to be treated as a reference to the licence being unavailable to the applicant for reinstatement¹⁰. Regulations requiring notice of the application for reinstatement to be given provide that notice need not be given to all responsible authorities but only those set out at s 157(a)-(c) and (h)-(i)¹¹. Although responsible authorities will be able to make written representations to the licensing authority on the reinstatement application no such representations will be able to be made by interested parties¹².

The licensing authority must grant the application for reinstatement unless they think it would be wrong to do so having regard to representations made by one or more responsible authorities¹³. On granting the application the licensing authority must alter the licence so that the applicant for reinstatement becomes the licensee, must specify in the licence that the reinstatement takes effect at the time when the application is granted and must make any other alteration of the licence that appears to be required¹⁴. Where an application for reinstatement is granted the licence has effect as if the applicant for the reinstatement were the licensee during the period beginning with the receipt of the application for reinstatement and ending with the determination of the application¹⁵.

¹ [GA 2005, s 194\(1\)](#).

² [GA 2005, s 194\(2\)](#).

³ [GA 2005, s 194\(3\)](#).

⁴ [GA 2005, s 195\(1\), \(2\)](#).

⁵ [GA 2005, s 195\(3\)](#).

⁶ SI 2007/459, reg 9.

⁷ [GA 2005, s 195\(4\)](#).

⁸ [GA 2005, s 196\(1\)](#).

⁹ [GA 2005, s 196\(2\)\(a\)](#).

¹⁰ [GA 2005, s 196\(2\)\(b\)](#).

¹¹ [GA 2005, s 196\(3\)](#). See SI 2007/459, reg 12(2).

¹² [GA 2005, s 196\(4\)](#).

¹³ [GA 2005, s 195\(5\)](#).

¹⁴ [GA 2005, s 195\(6\)](#).

¹⁵ [GA 2005, s 196\(5\)](#).

Review of a premises licence

[5.177]

The power conferred on the licensing authority to review a premises licence is designed to provide a means by which the authority may, where appropriate, monitor the use made of the premises and may, if necessary, take steps to control that use or even bring the use to an end by revoking the licence. A licensing authority may carry out a review in response to an application for review made to it by a third party who is qualified to apply, or it may carry out such a review on its own initiative.

Application for review

[5.178]

A responsible authority or an interested party may apply to the licensing authority for a review by the authority of a premises licence¹. Curiously the statutory provisions do not in terms specify that the premises licence to which the application relates must be one which was granted by the licensing authority to whom the application is made, but this is clearly to be implied. A responsible authority which applies for a review may often be part of the same local authority as the licensing authority, and this raises the prospect of a licensing authority sitting in judgment on an application to review a premises licence which was brought at the instigation of another section of the same local authority. Although the licensing authority would not be an independent and impartial tribunal for the purpose of Article 6 ECHR that requirement should be satisfied by the right of appeal to a magistrates' court so that the procedure as a whole should be Convention compliant. An application must be made in the form and manner prescribed by SI 2007/2258, reg 3 and Sch 1² specifying the grounds on which the review is sought and containing or being accompanied by prescribed information or documents². Regulations require the applicant to give notice of the application to the licensee and to the responsible authorities in relation to the premises, and require the local authority to publish notice of the application³. The regulations may, inter alia, require a notice to specify a time (28 days) within which the licensee, a responsible authority or an interested party may make representations about the application to the licensing authority⁴.

¹ [GA 2005, s 197\(1\)](#).

² [GA 2005, s 197\(2\)](#).

³ [GA 2005, s 197\(3\), \(4\)](#). See SI 2007/2258, regs 4 and 5.

⁴ [GA 2005, s 197\(6\)](#). See SI 2007/2258, reg 5(5).

Grant or rejection of application

[5.179]

A licensing authority may reject an application for review of a premises licence if they think that the grounds on which the review is sought

- do not raise an issue relevant to the principles to be applied in accordance with s 153. This (see para 5.158 above) is the section which lays down the principles to be applied generally by the licensing authority in the exercise of their functions¹;
- are frivolous or vexatious²;
- will certainly not cause the authority to wish to take action of a kind open to them following a review (ie to revoke or suspend the licence or modify one or more conditions)³;
- are substantially the same as the grounds specified in an earlier application for review⁴;
- are substantially the same as representations made in relation to the application for the grant of, or a variation of, the premises licence.⁵

In the case of the two latter grounds for rejection of the application the licensing authority must consider the length of time that has elapsed since the making of the earlier application for review or since the making of the representations⁶. Where the licensing authority consider that grounds for rejection of the application apply to some but not all of the grounds on which the application for review is made they may reject the application so far as it relates to those grounds but allow it to proceed on the other grounds⁷. If and in so far as the licensing authority do not reject the application for review they must grant the application and proceed to carry out the review⁸.

¹ [GA 2005, s 198\(1\)\(a\)](#).

² [GA 2005, s 198\(1\)\(b\), \(c\)](#).

³ [GA 2005, s 198\(1\)\(d\)](#).

⁴ [GA 2005, s 198\(1\)\(e\)](#).

⁵ [GA 2005, s 198\(1\)\(f\), \(4\)](#); s 187(3); s 161.

⁶ [GA 2005, s 198\(2\)](#).

⁷ [GA 2005, s 198\(3\)](#).

⁸ [GA 2005, s 199](#); s 201(1)(a); (2).

Initiation of review by licensing authority

[5.180]

A licensing authority may carry out two types of review on its own initiative, namely

- a general review of the use made of premises which trade under premises licences of a particular class¹
- a specific review of the use made of a particular set of premises in reliance on a premises licence.²

Again, curiously, the statutory provisions do not specify that these powers may be exercised by the licensing authority only in relation to premises licences which they have themselves granted; this is to be implied. Although the power to conduct both types of review is conferred by [GA 2005, s 200](#) they are very different in their effects. The general review appears designed to authorise the licensing authority to review the functioning of a particular sector of the gambling industry (eg the casino sector, the adult gaming centre sector, the licensed betting office sector) within their area. The authority may review the use made of the premises and in particular the arrangements made by licensees to ensure compliance with conditions attached to the licence³. The authority is not obliged to give notice of its intention to conduct such a review and there is no provision for the licensee or anyone else to make representations about it or for any hearing to be held, though in most, if not in all, cases a review of this kind is likely to involve the authority in seeking information from licence holders. The authority is not obliged to publish any findings on completing the review nor is there any power to take any specific steps in the light of the review. Rather the purpose of such a general review appears to be to enable the authority to obtain information. No doubt if a licensing authority concluded that further investigations or steps were required they would consider whether to exercise their powers either to initiate a specific review or reviews of particular premises, or to carry out inspections through their inspectors, who are 'authorised persons' for the purposes of carrying out inspections of gambling premises under the [GA 2005](#), Part 15.

As to the second type of review which a licensing authority may initiate, an authority may review any matter connected with the use of premises in reliance on a premises licence if they have reason to suspect that the premises may have been used in purported reliance on a licence but not in accordance with a condition of the licence, or if for any reason (which may relate to the receipt of a complaint about the use of the premises), they think that a review would be appropriate⁴. Before reviewing a premises licence the authority must give notice of their intention to hold the review to the licensee, and they must publish notice of their intention to hold the review⁵. Regulations have been made about the giving and publishing of notice⁶, and these in particular require a notice to specify a time (28 days) within which the licensee, a responsible authority or an interested party may make representations about the review to the licensing authority⁷.

¹ [GA 2005, s 200\(1\)](#).

² [GA 2005, s 200\(2\)](#).

³ [GA 2005, s 200\(1\)](#).

⁴ [GA 2005, s 200\(2\)\(a\), \(b\)](#).

⁵ [GA 2005, s 200\(3\)](#).

⁶ SI 2007/2258, reg 8 and Schs 4 and 5.

⁷ [GA 2005, s 200\(5\)](#).

Review

[5.181]

Where the licensing authority have granted an application for a review (see para 5.179 above) or have given notice of their intention to hold a review (see para 5.180 above) they must, as soon as reasonably practicable after the expiry of any period for representations by the licensee, a responsible authority or an interested party¹, review the premises licence². The purpose of the review is to consider whether to take in relation to the licence action of a kind specified in s 202(1) (ie revocation or suspension of the licence or modification of one or more conditions)³. The licensing authority is required to hold a hearing unless the applicant for the review (if there is one) and each of the persons who have made representations about the review⁴ have consented to the conduct of the review without a hearing⁵, or the licensing authority think that each representation made about the review⁴ is frivolous or vexatious or will certainly not influence the review⁶. As to the procedure at review hearings, see SI 2007/173.

¹ Ie under [GA 2005, s 197\(6\)](#) or [s 200\(5\)](#).

² [GA 2005, s 201\(1\)\(2\)](#).

³ [GA 2005, s 201\(3\)](#).

⁴ Ie under [GA 2005, s 197\(6\)](#) or [s 200\(5\)](#).

⁵ [GA 2005, s 201\(4\)\(a\)](#).

⁶ [GA 2005, s 201\(4\)\(b\)](#).

Action following the review

[5.182]

As a result of a review of a premises licence the licensing authority may:

- revoke the licence;

- suspend the licence for a period not exceeding three months;
- exclude a default condition attached to the licence under s 168 or amend an exclusion;
- add, remove or amend a discretionary condition attached to the licence under s 169¹.

The fact that the authority 'may' take one of the above steps shows that a discretion is conferred on them to act or not to act as they see fit. Accordingly a fifth possibility exists, namely that the authority decide not to take any steps at all. In considering whether to take action of one of the four specified kinds following the review the licensing authority must have regard to:

- the matters specified in s 153 (ie the general principles to be applied by the licensing authority in the exercise of their functions under the [GA 2005](#), Part 8 – see para [5.158](#) above);
- any representations made by the licensee, a responsible authority or an interested party;²
- any representations made at the hearing of the review (if there is one); and
- where the review is being held in response to an application by a responsible authority or an interested party any grounds specified in the application (apart from any which have been rejected)³.

A licensing authority may in particular take one of the steps authorised under s 202(1) on the grounds that the licensee has not used the licence⁴. If they do decide to take one of the authorised steps the licensing authority must specify the time at which the action is to take effect.⁵

As soon as possible after completion of a review of a premises licence under s 201 a licensing authority must give notice, which must be in the prescribed form and must give the authority's reasons for their decision,⁶ to the licensee, the applicant for review (if any), the Gambling Commission, any person who made representations,⁷ the chief officer of police for any area in which the premises are wholly or partly situated and HMRC⁸.

¹ [GA 2005, s 202\(1\)](#).

² [Ie under GA 2005, s 197\(6\) or s 200\(5\)](#).

³ [GA 2005, s 201\(5\)](#).

⁴ [GA 2005, s 202\(3\)](#).

⁵ [GA 2005, s 202\(2\)](#).

⁶ [GA 2005, s 203\(2\)](#). See SI 2007/2258, regs 13 and 14 and Sch 6

⁷ [Ie under GA 2005, s 197\(6\) or s 200\(5\)](#).

⁸ [GA 2005, s 203\(1\)](#).

Provisional statement

[5.183]–[5.189]

[Sections 204–205](#) of the GA 2005 provide that in certain circumstances a person may apply for a 'provisional statement' from the licensing authority. A provisional statement is not the same as a premises licence but if granted it will in the words of the Explanatory Notes 'offer a degree of certainty to the applicant when he comes to apply for a premises licence'¹. Despite the fact that there are a number of significant differences the provisional statement in the [Gambling Act 2005](#) is clearly modelled on the 'provisional statement' introduced by the [Licensing Act 2003, ss 29–32](#), though this is widely considered to be one of the least satisfactory innovations of the 2003 Act. For a discussion and critique of the 2003 Act provisions see para [1.334](#) above. The central criticism of the provisional statement arrangements in the 2003 Act is that they fail to give to a person who is about to engage in construction or development work a sufficient degree of assurance that they will be granted a premises licence under the Act once the works are completed, and are a very poor substitute for the 'provisional licence' provided for by the previous legislation² where it was mandatory to declare a provisional licence final provided the works as specified in the deposited plan were satisfactorily completed and the applicant was a 'fit and proper person' to hold a Justices' licence. There is no certainty under the [Licensing Act 2003](#) that the grant of a provisional statement will ensure that a premises licence will be obtained in due course, and the equivalent provisions of the [GA 2005](#) are subject to the same criticism.

A person may apply under the [Gambling Act 2005](#) for a provisional statement in respect of premises that:

- he expects to be constructed;
- he expects to be altered; or
- he expects to acquire a right to occupy³.

The first two grounds mirror the grounds on which a provisional statement may be granted under the [Licensing Act 2003](#); the third is specific to the [Gambling Act 2005](#).

The application must include such plans and other information in relation to the construction, alteration or acquisition as are prescribed⁴. The [Gambling Act 2005](#) (Premises Licences and Provisional Statements) Regulations 2007⁵ set out particular rules in respect of provisional statements. The application is in the form set out in reg 10 and Sch 5. It must be accompanied by a scale plan in accordance with reg 4(2)–(9) as applied by reg 5(3) and (4). Notice of the application must be given to all responsible authorities under s 157 (see reg 12, note the Explanatory Note is incorrect on this point) within seven days; it must contain the information set out in Part 6 of Sch 7. The notice must be published/displayed under reg 12(6) as applied by (7) and (8); the form of the notice must comply with Part 8 of Sch 6. Thereafter, representations by interested persons/the responsible authorities must be made within 28 days (reg 15). Conditions can be attached to any grant (reg 17(3) and (6)). The form and content of a statement must comply with regs 23–26. Otherwise, the provisions of Part 8 of the [GA 2005](#) apply except in the following respects⁶. First, the general rule that a premises licence may not be issued in respect of premises if a premises licence already has effect in relation to the premises (see para 5.153 above)⁷ does not apply in relation to an application for a provisional statement⁸. Thus an application for a provisional statement for premises to be used for a casino could be made and granted for premises which currently have a bingo premises licence, though any subsequent application for a casino premises licence would have to be on terms that the bingo premises licence would be surrendered if the casino premises licence was granted. The requirement that an applicant for a premises licence must either hold, or have applied for, an operating licence authorising him to carry on the activity for which the premises licence is sought⁹ does not apply to an application for a provisional statement¹⁰, nor does the requirement¹¹ that the applicant for a premises licence must have a right to occupy the premises apply to an application for a provisional statement¹². Indeed one of the grounds on which an application for a provisional statement can be made is that the applicant does not have, but expects to acquire, a right to occupy.

No specific direction is made as to the matters which the licensing authority is to take into account in considering whether to grant a provisional statement, but the provisions of s 153 (requiring the licensing authority to aim to permit the use of premises for gambling in so far as they think it in accordance with various stated factors, and requiring them not to have regard to the expected demand for facilities for gambling) will apply to the exercise of this function as it does to the exercise of all their functions under the [GA 2005](#), Part 8¹³. The provisions of Part 8 relating to the attachment to premises licences of mandatory conditions (s 167), default conditions (s 168), the exclusion of default conditions (s 169) and the attachment of discretionary conditions (s 169) apply to provisional statements as they do to premises licences¹⁴. Where a provisional statement is issued in respect of premises and an application is subsequently made for a premises licence in respect of the premises the licensing authority must disregard any representations made in relation to that application unless they think that the representations:

- address matters that could not have been addressed in representations in relation to the application for the provisional statement, or
- reflect a change in the applicant's circumstances¹⁵.

The first ground is potentially wide in scope and would seem capable of applying in particular where there has been a change in circumstances relating to the premises or to the area in which the premises are located¹⁶. The second ground applies only where there has been a change in the applicant's circumstances (as distinct from a change in the premises or its location). The Explanatory Note gives as an example of such a change the case where the applicant has been convicted of a relevant offence following his application for a provisional statement such that he is now unable to obtain an operating licence¹⁷.

There is likely to be plenty of scope for responsible authorities and interested parties who wish to make representations on the premises licence application to maintain that their representations ought to be admitted under one or other of these heads. The licensing authority may only refuse the application, or may only grant it on terms and conditions not included in the provisional statement,

- by reference to matters which the licensing authority have considered on the basis that they could not have been addressed in representations relating to the application for the provisional statement, or
- by reference to matters which in their opinion reflect a change in the applicant's circumstances¹⁸.

However these limits on the matters which the licensing authority may take into account for the purpose of rejecting the application or changing the terms and conditions on which the provisional statement was granted only apply if the premises have been constructed or altered in accordance with the plans and information included with the application for the provisional statement¹⁹. Any departure from the plans or information will render the provisional statement irrelevant and will allow the licensing authority to

entertain any representations by responsible authorities or interested parties on the licence application, and to consider the application with a discretion wholly unfettered and uncoloured by the grant of the provisional statement. Curiously ss 204–5 make no provision for an application to be made to the licensing authority for consent to modifications of the plans or information lodged with the original application²⁰ so that where (as is likely to happen often) modifications become necessary after the grant of a provisional statement it appears that a fresh application for a new provisional statement will be required if the applicant wishes to continue to secure the benefits of a provisional statement.

In the case of the [Licensing Act 2003](#) the unattractive features of the provisional statement procedure may well drive applicants to seek to acquire a full premises licence even though the premises are not yet constructed, extended or changed, a course of action which the statutory Guidance issued under s 182 of that Act recognises as possible, at least where clear plans of the proposed structure exist and a clear description can be given of the activities and arrangements proposed there²¹. In the 2008 edition of *Paterson* we made the comment that

“Commission Guidance to licensing authorities (see “Guidance to Licensing Authorities –2nd Edition” at para [5.2655](#)) does not, at Part 11, appear to offer applicants a means of obtaining a premises licence without having to rely upon the provisional statement procedure.’

However the High Court on 14 January 2008 in *R (on the application of Betting Shop Services Ltd) v Southend on Sea Borough Council*²² ruled that a licensing authority had acted incorrectly in refusing to consider an application for a premises licence even though the relevant premises were incomplete. It rejected a claim that in such a case an applicant could only apply for a provisional statement.

In that case the applicant held an operating licence, had a right to occupy the premises and otherwise complied with s 159. However the premises were not fully constructed (they had walls and a certain amount of the outer structure but were not equipped for gambling) and although it was in possession of a provisional statement as it desired the greater certainty of a premises licence it had decided to apply for such. Trade rivals of the applicant objected and the matter was dealt with as a preliminary issue by the authority. It rejected the application on the basis of paras 7.55–7.57 of the then current Commission's Guidance to licensing authorities and in particular the following words:

“The intention behind part 8 of the Act is that the references to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling should only be issued in relation to premises that are ready to be used for gambling. This is why the Act allows an operator to apply for a provisional statement if the building is not yet complete, needs alteration, or he does not yet have a right to occupy it.”

Prior to the judicial review hearing the Commission made written submissions to the High Court. In those it conceded that the relevant part of the Guidance might not be correct. The High Court ruled that it was not and that so long as an applicant complied with s 159 he was entitled to apply for a premises licence; that the premises had not been completed did not take away that right. The licensing authority could, if it deemed it appropriate, grant the licence subject to conditions (under s 169) which took account of the fact that at the time of application the premises were incomplete. The Commission then revised its Guidance in the light of that ruling: see paras 7.61–7.67 of the fourth edition thereof (para [6.2655](#) of the 2015 edition of *Paterson*) and see now the fifth edition of the Guidance, September 2015, at paras 7.59–7.65 (para [AM5.6655](#)).

For further details of the appeals process, see Part 6 (Appeals) of this work.

¹ [GA 2005](#), Explanatory Note 522.

² *Ie* s 6 of the Licensing Act 1964.

³ [GA 2005, s 204\(1\)](#).

⁴ [GA 2005, s 204\(3\)](#). See SI 2007/459, reg 10 and Sch 5.

⁵ SI 2007/459.

⁶ [GA 2005, s 204\(3\)](#). See SI 2007/459, reg 10 and Sch 5.

⁷ [GA 2005, s 152\(1\)\(b\)](#).

⁸ [GA 2005, s 204\(4\)](#).

⁹ [GA 2005, s 159\(3\)](#).

¹⁰ [GA 2005, s 204\(4\)](#).

¹¹ *Ie* under [GA 2005, s 159\(5\)](#).

- ¹² [GA 2005, s 204\(4\)](#).
- ¹³ [GA 2005, s 204\(2\)](#); s 153.
- ¹⁴ [GA 2005, s 204\(2\)](#), [s 205\(3\)](#).
- ¹⁵ [GA 2005, s 205\(2\)](#).
- ¹⁶ Compare [Licensing Act 2003, s 32\(3\)\(b\)](#).
- ¹⁷ [GA 2005](#), Explanatory Note 523.
- ¹⁸ [GA 2005, s 205\(3\)\(a\)\(b\)](#).
- ¹⁹ [GA 2005, s 205\(4\)](#).
- ²⁰ Contrast Licensing Act 1964, s 6(3).
- ²¹ DCMS Guidance issued under [s 182](#) of the LA 2003, para 5.85.
- ²² [\[2008\] EWHC 105 \(Admin\)](#).



Department
for Business
Innovation & Skills

Better
Regulation
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Regulators' Code

April 2014

Foreword



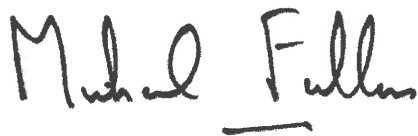
In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

Our expectation is that by clarifying the provisions contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow.

A handwritten signature in black ink that reads "Michael Fallon". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Fallon
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities¹ and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities², for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.

1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

1.4 Regulators should ensure that their officers understand the statutory principles of good regulation³ and of this Code, and how the regulator delivers its activities in accordance with them.

2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

¹ The term 'regulatory activities' refers to the whole range of regulatory options and interventions available to regulators.

² The terms 'business or businesses' is used throughout this document to refer to businesses and other regulated entities.

³ The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf.

- 2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

- 2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.
- 2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.
- 2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.
- 2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate⁴.

3. Regulators should base their regulatory activities on risk

- 3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.
- 3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.
- 3.3 Regulators designing a risk assessment framework⁵, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.
- 3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.
- 3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

⁴ The Government will discuss with national regulators a common approach to surveys to support benchmarking of their performance.

⁵ The term 'risk assessment framework' encompasses any model, scheme, methodology or risk rating approach that is used to inform risk-based targeting of regulatory activities in relation to individual businesses or other regulated entities.

4. Regulators should share information about compliance and risk

- 4.1 Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate.
- 4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

- 5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.
- 5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.
- 5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.
- 5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.
- 5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.
- 5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.

6. Regulators should ensure that their approach to their regulatory activities is transparent

- 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.
- 6.2 Regulators' published service standards should include clear information on:
 - a) how they communicate with those they regulate and how they can be contacted;
 - b) their approach to providing information, guidance and advice;
 - c) their approach to checks on compliance⁶, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

⁶ Including inspections, audit, monitoring and sampling visits, and test purchases.

Regulators' Code

- d) their enforcement policy, explaining how they respond to non-compliance;
 - e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and
 - f) how to comment or complain about the service provided and routes to appeal.
- 6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point⁷ on the regulator's website that is clearly signposted, and it should be kept up to date.
- 6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
- 6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

⁷ This requirement may be satisfied by providing a single web page that includes links to information published elsewhere.

Monitoring the effectiveness of the Regulators' Code

The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.

The Government will monitor published policies and standards of regulators subject to the Regulators' Code, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.

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This publication is also available on our website at:
<https://www.gov.uk/government/publications/regulators-code>

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URN: BRDO/14/705



COMPLIANCE

&

SOCIAL

RESPONSIBILITY



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SOCIAL RESPONSIBILITY POLICY

1. STATEMENT OF INTENT

The responsibility for an individual's gambling is their own. The responsibility to exercise a duty of care is that of the operator. Cashino Gaming recognises that for a very small minority of its customers gambling can become addictive which can lead to a range of problems for both individuals and their families. As a result of this we (the Company) believe that we have a social responsibility to act positively in relation to sensible gambling.

WHAT IS SOCIAL RESPONSIBILITY?

Social responsibility is about going above and beyond what is called for by the law. Ideally, proactively identifying signs of problem behaviours is better than reacting to a problem. We apply our social responsibility through three levels:



Social responsibility is being responsible to people, for the actions of people, and for actions that affect people. Cashino Gaming has clear policies, procedures and codes of practice which outline and support the development of the way in which staff intervene where there is a suspected problem and the Company then monitors and supports the development of the awareness and knowledge of its staff in dealing with such interventions.

The idea of being responsible to customers has actually long been embedded in the ethics of business, treating a customer with respect, attention and genuinely caring about what the customer wants and needs. As a Company we understand our responsibility to help people.

The Gambling Commission regulates gambling in the public interest. The regulatory framework introduced by the Gambling Act 2005 is based on three licensing objectives. These are to:

- Keep crime out of gambling
- Ensure that gambling is conducted in a fair and open way; and
- Protect children by preventing their entry and vulnerable people from being harmed or exploited by gambling.



It is our responsibility to ensure that we comply with these licensing objectives at all times.

COMPANY

Our Statement of Intent is published and available to all our employees.

To support the licensing objectives and in addition to our Social Responsibility Policy we also have: -

- Sensible gambling procedures including Self Exclusion
- 'Think 25' policy

EMPLOYEES

The Company ensures that all employees are inducted responsibly into our organisation through: -

- Induction checklist
- Employee Handbook
- Reviews and sign off at 4,8,12 weeks

The above documentation includes comprehensive coverage of the following: -

- Social Responsibility Policy
- Sensible gambling procedures
- 'Think 25' policy

Ongoing training is available to all our employees and we provide a Customer Care training programme, that specifically trains our staff about problem gambling and how to interact with customers who may be affected (including arrangements for self exclusion), whilst also covering the following areas:

- Customer care
- Conflict management
- Social responsibility

In addition employees will receive refresher training every 6 months.



CUSTOMER

Information is clearly provided to the customer to enable them to understand the machine/game they are playing and the percentage returns that apply on all games.

The customer is made aware of and given advice on problem gambling through appropriate advertising, notices, information and Staying In Control leaflets on site. Further information including sources of help and support is available via the following organisations: -

- | | |
|-------------------------------|---|
| ▪ Citizen's advice | https://www.citizensadvice.org.uk |
| ▪ Gamble Aware/GamCare | https://www.begambleaware.org |
| ▪ GamesAid | https://www.gamesaid.org |
| ▪ Gam-Anon | https://www.gam-anon.org |
| ▪ Gamblers Anonymous | https://www.gamblersanonymous.org.uk |
| ▪ Gordon Moody Association | https://www.gordonmoody.org.uk |
| ▪ Action for Children Charity | https://www.actionforchildren.org.uk |
| ▪ National Debtline | https://www.nationaldebtline.org |

The implementation of the following policies and procedures and through Customer Care Training ensures that this is consistent throughout the Company: -

- Social Responsibility Policy
- Sensible gambling Procedure
- 'Think 25' policy

.....
Stefan Bruns
Chief Executive Officer
January 2019



THE 3 LICENSING OBJECTIVES

1. Keeping crime out of gambling

Whilst crime is considered 'low/medium risk' in our business, we have to be mindful of the fact crime still exists and our venues could be considered as a target for money laundering gained from the proceeds of crime and terrorist financing, i.e. drug money, TITO technology to conceal 'fake notes', life style and spending habits.

2. Ensuring gambling is conducted fairly and openly

We have to ensure the terms we offer with regards to our business practices are fair and transparent to our customers and as Licensees we must comply with the Consumer Rights Act 2015. This means ensuring our machines and marketing are promoted in a fair and open way.

3. Protecting children and vulnerable people from being harmed or exploited by gambling

We have a duty of care to ensure children and young persons do not enter our premises, which are strictly for OVER 18's only. As a company we operate a 'Think 25' policy and ID checks are carried out if we suspect a person is under 18. Ensuring we protect people who may be 'at risk' from gambling and protecting them from harm, customer interaction and helpful advice is vital to ensure we promote our business in a socially responsible way.

GAMBLING COMMISSION

Conditions and codes of practice applicable to

**Gaming machine general: Adult gaming centre
licences**

**Gaming machine general: Family entertainment centre
licences**

Including sector-specific extract of
LCCP January 2020

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General introduction

1 This document sets out the Gambling Commission's general licence conditions and associated code of practice provisions (LCCP) under the Gambling Act 2005 (the Act) which are applicable to the specified sector(s).

2 The LCCP document sets out:

Part I: (in black) statutory conditions attached by virtue of the Act

Part II: (in orange) the suite of general conditions attached to operating licences

Part III: (in blue) the principal code of practice, distinguishing between 'social responsibility' provisions and 'ordinary' provisions (the social responsibility provisions are in shaded boxes within the text).

3 An [index](#) to the provisions is provided at the end of this document, and if using an electronic version of this document, links are provided from both the contents and index pages to aid navigation.

4 Copies of LCCP can be obtained from the Commission's website: www.gamblingcommission.gov.uk or by writing to:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
T 0121 230 6666
F 0121 230 6720
E info@gamblingcommission.gov.uk

5 The Commission also produces sector-specific extracts of LCCP and these will be made available on the website. Further information about the history of LCCP (such as the results of completed consultations) and potential future amendments to LCCP can also be found on the website.

6 This extract of LCCP comes into force on **1 January 2020**.

7 Relevant requirements of the conditions and code provisions were notified in draft to the European Commission in accordance with Directive (EU) 2015/1535.

Part I: Statutory conditions attached by virtue of the Act

Social responsibility

This licence is subject to a condition that the licensee ensures compliance with any relevant social responsibility provision of a code of practice issued by the Commission. The social responsibility provisions that are relevant to the activities authorised by this licence are set out in the section entitled Codes of Practice (Part III).

(Sections 24 and 82(1) Gambling Act 2005)

Return of stakes to children: AGC

The following condition applies to gaming machine general: adult gaming centre operating licences only

This licence is subject to a condition that if the licensee (or anyone employed by the licensee to perform an operational function within the meaning of section 80 of the Act) becomes aware that a child or young person is using or has used facilities for gambling provided in reliance on the licence, the licensee:

- (a) must return any money paid in respect of the use of those facilities (whether by way of fee, stake or otherwise) by the child or young person as soon as is reasonably practicable; and
- (b) may not give a prize to the child or young person.

This condition does not apply to use of a Category D gaming machine.

(Section 83(1))

Return of stakes to children: FEC

The following condition applies to gaming machine general: family entertainment centre operating licences only

This licence is subject to a condition that if the licensee (or anyone employed by the licensee to perform an operational function within the meaning of section 80 of the Act) becomes aware that a child or young person is using or has used facilities for gambling provided in reliance on the licence, the licensee:

- (a) must return any money paid in respect of the use of those facilities (whether by way of fee, stake or otherwise) by the child or young person as soon as is reasonably practicable; and
- (b) may not give a prize to the child or young person.

This condition does not apply to use of a Category D gaming machine, or equal chance gaming.

(Section 83(1))

Part 1: Suite of general condition to operating licences under Section 75 of the Gambling Act 2005 (the Act)

1 Qualified persons and personal licences

1.1 Qualified persons

Licence condition 1.1.1

Qualified persons – qualifying position

All operating licences, except ancillary remote licences, issued to small-scale operators

- 1 In this condition the terms 'small-scale operator', 'qualifying position' and 'qualified person' have the meanings respectively ascribed to them by the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.
- 2 Schedule X¹ lists those individuals notified to the Commission as qualified persons.
- 3 If, whilst the licensee remains a small-scale operator, an individual begins or ceases to occupy a qualifying position in relation to the licensee, the licensee must within 28 days apply to the Commission under section 104(1)(b) of the Act for amendment of the details of the licence set out in Schedule X¹.
- 4 An application for amendment under section 104(1)(b) of the Act may be made in advance of an individual beginning or ceasing to occupy a qualifying position provided it specifies the date from which the change to which it relates is to be effective.
- 5 In this condition 'qualified person' has the same meaning as in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.

¹ The schedules mentioned here will be attached to individual licences.

1.2 Personal licences

Licence condition 1.2.1

Specified management offices – personal management licences

All casino, bingo, general and pool betting, betting intermediary, gaming machine general, gaming machine technical, gambling software and lottery managers licences, except ancillary remote licences

- 1 Subject to 6 and 7 below, licensees must ensure:
 - a that each individual who occupies one of the management offices specified in 2 below in respect of the licensee or in connection with the licensed activities holds a personal licence authorising the performance of the functions of that office (hereafter 'a personal management licence'); and
 - b that at least one person occupies at least one of those offices
- 2 The specified management offices are those offices (whether or not held by a director in the case of a licensee which is a company, a partner in the case of a licensee which is a partnership or an officer of the association in the case of a licensee which is an unincorporated association) the occupier of which is by virtue of the terms of their appointment responsible for:
 - a the overall management and direction of the licensee's business or affairs
 - b the licensee's finance function as head of that function
 - c the licensee's gambling regulatory compliance function as head of that function
 - d the licensee's marketing function as head of that function
 - e the licensee's information technology function as head of that function in so far as it relates to gambling-related information technology and software
 - f oversight of the day to day management of the licensed activities at an identified number of premises licensed under Part 8 of the Act or across an identified geographical area
 - g in the case of casino and bingo licences only, oversight of the day to day management of a single set of premises licensed under Part 8 of the Act.
- 3 The person responsible for the licensee's gambling regulatory compliance function as head of that function shall not, except with the Commission's express approval, occupy any other specified management office.
- 4 Licensees must take all reasonable steps to ensure that anything done in the performance of the functions of a specified management office is done in accordance with the terms and conditions of the holder's personal management licence.
- 5 Where an individual is authorised by a personal licence and that licence comes under review under section 116(2) of the Act, the operating licensee must comply with any conditions subsequently imposed on that licence by the Commission about redeployment, supervision, or monitoring of the individual's work and any requirements of the Commission in respect of such matters applicable during the period of the review.
- 6 Paragraphs 1 to 5 above shall not apply to a licensee for so long as the licensee is a 'small-scale operator' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006 ('the Regulations').
- 7 During the period of 3 years commencing with the date on which a licensee ceases to be a small-scale operator paragraphs 1 to 6 above shall apply subject to the proviso that the phrase 'each individual' in paragraph 1a shall not include any individual who was a 'qualified person' (as defined in the Regulations) in relation to the licensee 28 days immediately prior to the licensee ceasing to be a small-scale operator.

4 Protection of customer funds

4.2 Disclosure to customers

Licence condition 4.2.1

Disclosure to customers

All operating licences, except gaming machine technical, gambling software, host, ancillary, remote bingo, and ancillary remote casino licences

- 1** Licensees who hold customer funds must set out clearly in the terms and conditions under which they provide facilities for gambling information about whether customer funds are protected in the event of insolvency, the level of such protection and the method by which this is achieved.
- 2** Such information must be according to such rating system and in such form the Commission may from time to time specify. It must be provided in writing to each customer, in a manner which requires the customer to acknowledge receipt of the information and does not permit the customer to utilise the funds for gambling until they have done so, both on the first occasion on which the customer deposits funds and on the occasion of any subsequent deposit which is the first since a change in the licensee's terms in relation to protection of such funds.
- 3** In this condition 'customer funds' means the aggregate value of funds held to the credit of customers including, without limitation:
 - a** cleared funds deposited with the licensee by customers to provide stakes in, or to meet participation fees in respect of, future gambling;
 - b** winnings or prizes which the customer has chosen to leave on deposit with the licensee or for which the licensee has yet to account to the customer; and
 - c** any crystallised but as yet unpaid loyalty or other bonuses, in each case irrespective of whether the licensee is a party to the gambling contract.

5 Payment

5.1 Cash and cash equivalents, payment methods and services

Licence condition 5.1.1

Cash and cash equivalents

All operating licences except gaming machine technical, gambling software and host licences

- 1** Licensees, as part of their internal controls and financial accounting systems, must implement appropriate policies and procedures concerning the usage of cash and cash equivalents (eg bankers drafts, cheques and debit cards and digital currencies) by customers, designed to minimise the risk of crimes such as money laundering, to avoid the giving of illicit credit to customers and to provide assurance that gambling activities are being conducted in a manner which promotes the licensing objectives.
- 2** Licensees must ensure that such policies and procedures are implemented effectively, kept under review, and revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidelines published by the Gambling Commission from time to time.

6 Provision of credit by licensees and the use of credit cards

6.1 Provision of credit

Licence condition 6.1.1

Provision of credit

All gaming machine general operating licences for adult gaming centres and family entertainment centres

- 1 Licensees must neither:
 - a provide credit themselves in connection with gambling; nor
 - b participate in, arrange, permit or knowingly facilitate the giving of credit in connection with gambling.

7 General 'fair and open' provisions

7.1 Fair and transparent terms and practices

Licence condition 7.1.1

Fair and transparent terms and practices

All operating licences except gaming machine technical and gambling software licences

- 1 Licensees must ensure that the terms on which gambling is offered, and any consumer notices relating to gambling activity, are not unfair within the meaning of the Consumer Rights Act 2015. Licensees must comply with those terms.
- 2 The contractual terms on which gambling is offered and any notices relating to gambling activity must be transparent within the meaning of the Consumer Rights Act 2015. The contractual terms on which gambling is offered must be made available to customers in an easily accessible way.
- 3 Licensees must ensure that changes to customer contract terms comply with the fairness and transparency requirements under the Consumer Rights Act 2015. Customers must be notified of material changes before they come into effect.
- 4 Licensees must ensure that they do not commit any unfair commercial practices within the meaning of the Consumer Protection from Unfair Trading Regulations 2008, at any stage of their interactions with consumers.

12 Anti-money laundering

12.1 Prevention of money laundering and terrorist financing

Licence condition 12.1.1

Anti-money laundering

Prevention of money laundering and terrorist financing

All operating licences except gaming machine technical and gambling software licences

- 1 Licensees must conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes of circumstances, including the introduction of new products or technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.
- 2 Following completion of and having regard to the risk assessment, and any review of the assessment, licensees must ensure they have appropriate policies, procedures and controls to prevent money laundering and terrorist financing.
- 3 Licensees must ensure that such policies, procedures and controls are implemented effectively, kept under review, revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidelines published by the Gambling Commission from time to time.

14 Access to premises

14.1 Access to premises

Licence condition 14.1.1

Access to premises

All operating licences

- 1 Licensees must have and put into effect policies and procedures (including staff training programmes) designed to ensure that their staff co-operate with the Commission's enforcement officers in the proper performance of their compliance functions and are made aware of those officers' rights of entry to premises contained in Part 15 of the Act.

15 Information requirements

15.1 Reporting suspicion of offences

Licence condition 15.1.1

Reporting suspicion of offences etc - non-betting licences

All operating licences except betting, betting intermediary, ancillary remote betting, betting host and remote betting intermediary (trading rooms only) licences

- 1 Licensees must as soon as reasonably practicable provide the Commission or ensure that the Commission is provided with any information that they know relates to or suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a licence condition or a code provision having the effect of a licence condition.

15.2 Reporting key events and other reportable events

Licence condition 15.2.1

Reporting key events

All operating licences

A key event is an event that could have a significant impact on the nature or structure of a licensee's business. Licensees must notify the Commission, or ensure the Commission is notified, in such form or manner as the Commission may from time to time specify, of the occurrence of any of the following key events as soon as reasonably practicable and in any event within five working days of the licensee becoming aware of the event's occurrence¹.

Operator status

In the case of licensees which are companies, a petition being presented for their winding up or the winding up of any group company of theirs, or they or any group company being placed in administration or receivership or their directors proposing to creditors a composition in satisfaction of its debts or a scheme of arrangement of its affairs.

In the case of licensees which are bodies corporate, but not companies, any event substantially equivalent to those listed at 1 above.

In the case of a licensee who is an individual (or a partner in a partnership licensee) their being presented with a petition for their bankruptcy or sequestration or their entering into an individual voluntary arrangement.

Relevant persons and positions

In the case of licensees who are companies or other bodies corporate having a share capital, the name and address of any person who (whether or not already a shareholder or member) becomes a shareholder or member holding 3% or more of the issued share capital of the licensee or its holding company.

Any investment in a licensee which is not by way of subscription for shares.

The taking of any loan by the licensee, or by a group company who then makes an equivalent loan to the licensee, from any person not authorised by the Financial Conduct Authority: a copy of the loan agreement must be supplied.

The entering into an arrangement whereby a third party provides services to, or grants any licence concession or permission to, the licensee other than for full value: full details of the arrangements must be supplied.

The appointment of a person to, or a person ceasing to occupy, a 'key position': a 'key position' in relation to a licensee is:

- a in the case of a small-scale operator, a 'qualifying position' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006
- b in the case of an operator which is not a small-scale operator, a 'specified management office' as set out in (current) LCCP licence condition 1.2
- c a position the holder of which is responsible for the licensee's anti-money laundering procedures, including suspicious activity reporting
- d any other position for the time being designated by the Commission as a 'key position'. (Notification is required whether or not the person concerned is required to hold a personal management licence and whether or not the event notified requires the licensee to apply for a variation to amend a detail of their licence.)

- 9 Any change to the structure or organisation of the licensee's business which affects a 'key position' or the responsibilities of its holder.

Financial events

- 10 Any material change in the licensee's banking arrangements, in particular the termination of such arrangements or a particular facility and whether by the licensee or the provider of the arrangements.
- 11 Any breach of a covenant given to a bank or other lender.
- 12 Any default by the licensee or, where the licensee is a body corporate, by a group company in making repayment of the whole or any part of a loan on its due date.
- 13 Any court judgments (in whatever jurisdiction) against the licensee or, where the licensee is a body corporate, a group company, remaining unpaid 14 days after the date of judgment.
- 14 Where the licensee is required to have their accounts independently audited, any qualification to an auditors' report; and any unplanned change of auditor including a change prompted by a dispute or resulting from auditors being unable or unwilling to sign an unqualified audit report.
- 15 Any change in the licensee's arrangements for the protection of customer funds in accordance with the general licence condition 4 relating to the protection of customer funds (where applicable).
- 16 Where the licensee holds customer funds in a separate bank account, any deficit on reconciliation of such bank account.
- 17 Any change in the licensee's arrangements as to the methods by which, and/or the payment processors through which, the licensee accepts payment from customers using their gambling facilities (this key event applies to remote casino, bingo and betting operating licences, except ancillary and remote betting intermediary (trading room only) licences).

Legal or regulatory proceedings or reports

- 18 The grant, withdrawal or refusal of any application for a licence or other permission made by the licensee, or in the case of a licensee which is a body corporate, any group company of theirs, to a gambling regulator in another jurisdiction. In the case of a withdrawal or refusal of the application, the licensee must also notify the reasons for such withdrawal or refusal. (This condition does not apply to applications for licences or other permissions to carry on activities which would fall outside the scope of a Gambling Commission operating licence if carried out in Britain or with customers in Great Britain.)
- 19a Any investigation by a professional, statutory, regulatory or government body (in whatever jurisdiction) into the licensee's activities, or the activities in relation to the licensed entity of a personal licence holder or a person occupying a qualifying position employed by them, where such an investigation could result in the imposition of a sanction or penalty which, if imposed, could reasonably be expected to raise doubts about the licensee's continued suitability to hold a Gambling Commission licence.
- 19b Any criminal investigation by a law enforcement agency in any jurisdiction in relation to which:
 - the licensee is involved (including, but not limited to investigations of crimes allegedly committed against the licensee or involving the gambling facilities provided under the licence), AND
 - the circumstances are such that the Commission might reasonably be expected to question whether the licensee's measures to keep crime out of gambling had failed.Notification of the event must occur as soon as practicable after the licensee becomes aware of any such investigation in which the licensee is involved and measures may have failed.
- 20 The receipt of any report from a professional, statutory or other regulatory or government body (in whatever jurisdiction) of the outcome of a compliance assessment in relation to the gambling activity of the licensee or, where the licensee is a body corporate, of any group company in which at least one person who holds a key position in or in respect of the licensee holds a key position: a copy of the report should be provided where available to the licensee.

- 21 The referral to the licensee's Board, or persons performing the function of an audit or risk committee, of material concerns raised by a third party (such as an auditor) about the provision of facilities for gambling which are expressed (in whatever terms) as requiring attention as a high priority: a summary of the nature of the concerns must be provided.
- 22 The imposition by the licensee of a disciplinary sanction, including dismissal, against the holder of a personal licence or a person occupying a qualifying position for gross misconduct; or the resignation of a personal licence holder or person occupying a qualifying position following commencement of disciplinary proceedings in respect of gross misconduct against that person.
- 23 The commencement (in whatever jurisdiction) of any material litigation against the licensee or, where the licensee is a body corporate, a group company: the licensee must also notify the outcome of such litigation.
- 24 The making of a disclosure pursuant to section 330, 331, 332 or 338 of the Proceeds of Crime Act 2002 or section 19, 20, 21, 21ZA, 21ZB or 21A of the Terrorism Act 2000 (a suspicious activity report): the licensee should inform the Commission of the unique reference number issued by the United Kingdom Financial Intelligence Unit of the National Crime Agency in respect of each disclosure and for the purposes of this key event the five working day period referred to above runs from the licensee's receipt of the unique reference number. The licensee should also indicate whether the customer relationship has been discontinued at the time of the submission.

Gambling facilities

- 25a Any breach in the licensee's information security that adversely affects the confidentiality of customer data or prevents customers from accessing their accounts for longer than 24 hours.
- 25b Where a gaming system fault has resulted in under or overpayments to a player (this includes instances where a fault causes an incorrect prize/win value to be displayed).
- 26 Any change in the identity of the ADR entity or entities for the handling of customer disputes, as required by the social responsibility code provision on complaints and disputes.
- 27 The reference of a dispute to an ADR entity other than one in respect of which contact details were given in accordance with the social responsibility code provision on complaints and disputes; the reason for selection of that ADR entity should be given.
- 28 In the case of remote gambling, the commencement or cessation of trading on website domains (*including mobile sites or mobile device applications*) or broadcast media through which the licensee provides gambling facilities.

In this condition:

'body corporate' has the meaning ascribed to that term by section 1173 of the Companies Act 2006 or any statutory modification or re-enactment thereof

- a in respect of a company, 'holding company' and 'subsidiary' have the meaning ascribed to that term by section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof
- b a 'group company' is any subsidiary or holding company of the licensee and any subsidiary of such holding company.

¹ Key events can be reported securely online at the Commission's website through our eServices system www.gamblingcommission.gov.uk Alternatively, for operators unable to access this system, you can report a key event by email to: key.events@gamblingcommission.gov.uk Alternatively, for operators unable to access this system, you can report a key event by email to: key.events@gamblingcommission.gov.uk

Licence condition 15.2.2

Other reportable events

All operating licences

- 1 Licensees must also notify the Commission in such form or manner as the Commission may from time to time specify, or ensure that the Commission is so notified, as soon as reasonably practicable of the occurrence of any of the following events¹:
 - a the conclusion of a dispute referred to an ADR entity and in such case providing the Commission with a copy of the decision or note of the outcome².
 - b any outcome adverse to the licensee of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.
 - c their becoming aware that a group company which is not a Commission licensee is advertising remote gambling facilities to those residing in a jurisdiction in or to which it has not previously advertised or their becoming aware of a sustained or meaningful generation of the 3% / 10% threshold being exceeded by the group.

In this condition:

- a 'group company' has the same meaning as in condition 15.2.1; and
- b without prejudice to section 327 of the Act, 'advertising' includes: having a home page directed towards a jurisdiction and written in, or in one of, that jurisdiction's official language(s), having arrangements enabling that jurisdiction's currency to be selected for gambling or the use of payment methods available only in that jurisdiction, and providing a specific customer service facility referable to that jurisdiction.

¹ Events required to be notified to the Commission by 15.2.1 or 15.2.2 may be reported securely online at the Commission's website through our eServices system www.gamblingcommission.gov.uk or by email to: key.events@gamblingcommission.gov.uk

² In respect of the referral of disputes to an ADR entity the licensee's attention is drawn to social responsibility code provision 6.

15.3 General and regulatory returns

Licence condition 15.3.1

General and regulatory returns

All operating licences

- 1 On request, licensees must provide the Commission with such information as the Commission may require about the use made of facilities provided in accordance with this licence, and the manner in which gambling authorised by this licence and the licensee's business in relation to that gambling are carried on, including in particular information about:
 - a the numbers of people making use of the facilities and the frequency of such use
 - b the range of gambling activities provided by the licensee and the numbers of staff employed in connection with them
 - c the licensee's policies in relation to, and experiences of, problem gambling.
- 2 In particular within 28 days of the end of each quarterly period or, for those only submitting annual returns, within 42 days of the end of each annual period, licensees must submit a Regulatory Return to the Commission containing such information as the Commission may from time to time require¹.

¹ Regulatory returns can be submitted securely online at the Commission's website through our eServices system available at www.gamblingcommission.gov.uk

16 Responsible placement of digital adverts

16.1 Responsible placement of digital adverts

Licence condition 16.1.1

Responsible placement of digital adverts

All licences

1 Licences must:

- a** Ensure that they do not place digital advertisements on websites providing unauthorised access to copyrighted content;
- b** take all reasonable steps to ensure that third parties with whom they contract for the provision of any aspect of their business related to the licensed activities do not place digital advertisements on websites providing unauthorised access to copyrighted content; and
- c** ensure that the terms upon which they contract with such third parties enable them, subject to compliance with any dispute resolution provisions, to terminate the third party's contract promptly if, in the Licensee's reasonable opinion, the third party has been responsible for placing digital advertisements for the licensed activities on such websites.

Part III: Code of practice

Introduction

This is the Commission's principal code of practice, issued under section 24 of the Gambling Act 2005.

There are two types of code provisions in this document:

- social responsibility code provisions: compliance with these is a condition of licences; therefore any breach of them by an operator may lead the Commission to review the operator's licence with a view to suspension, revocation or the imposition of a financial penalty and would also expose the operator to the risk of prosecution; these provisions are set out in shaded boxes
- ordinary code provisions: these do not have the status of operator licence conditions but set out good practice. Operators may adopt alternative approaches to those set out in ordinary code provisions if they have actively taken account of the ordinary code provision and can demonstrate that an alternative approach is reasonable in the operator's particular circumstances; or that to take an alternative approach would be acting in a similarly effective manner. Ordinary codes of practice are admissible in evidence in criminal or civil proceedings and must be taken into account in any case in which the court or tribunal think them relevant, and by the Commission in the exercise of its functions; any departure from ordinary code provisions by an operator may be taken into account by the Commission on a licence review, but cannot lead to imposition of a financial penalty; these code provisions are in the unshaded boxes in this section.

Code provisions

1 General

1.1 Cooperation and responsibility

Ordinary Code Provision 1.1.1

Cooperation with the Commission

All licences

- 1 As made plain in its *Statement of principles for licensing and regulation*, the Commission expects licensees to conduct their gambling operations in a way that does not put the licensing objectives at risk, to work with the Commission in an open and cooperative way and to disclose anything which the Commission would reasonably need to be aware of in exercising its regulatory functions. This includes, in particular, anything that is likely to have a material impact on the licensee's business or on the licensee's ability to conduct licensed activities compliantly. Licensees should have this principle in mind in their approach to, and when considering their compliance with, their obligations under the conditions attached to their licence and in relation to the following provisions of this code.

Social responsibility code provision 1.1.2

Responsibility for third parties – all licences

All licences

- 1 Licensees are responsible for the actions of third parties with whom they contract for the provision of any aspect of the licensee's business related to the licensed activities.
- 2 Licensees must ensure that the terms on which they contract with such third parties:
 - a require the third party to conduct themselves in so far as they carry out activities on behalf of the licensee as if they were bound by the same licence conditions and subject to the same codes of practice as the licensee
 - b oblige the third party to provide such information to the licensee as they may reasonably require in order to enable the licensee to comply with their information reporting and other obligations to the Commission
 - c enable the licensee, subject to compliance with any dispute resolution provisions of such contract, to terminate the third party's contract promptly if, in the licensee's reasonable opinion, the third party is in breach of contract (including in particular terms included pursuant to this code provision) or has otherwise acted in a manner which is inconsistent with the licensing objectives, including for affiliates where they have breached a relevant advertising code of practice.

2 Financial requirements

2.1 Anti-money laundering

Ordinary code provision 2.1.2

Anti-money laundering – other than casino

All licences except casino licences

- 1 As part of their procedures for compliance with the requirements in respect to the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the Terrorism Act 2000, licensees should take into account the Commission's advice on the Proceeds of Crime Act 2002, *Duties and responsibilities under the Proceeds of Crime Act 2002 – Advice for operators (excluding casino operators)*.

3 Protection of children and other vulnerable persons

3.1 Combatting problem gambling

Social responsibility code provision 3.1.1

Combatting problem gambling

All licences

- 1 Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling including the specific policies and procedures required by the provisions of section 3 of this code.
- 2 Licensees must make an annual financial contribution to one or more organisation(s) which are approved by the Gambling Commission, and which between them deliver or support research into the prevention and treatment of gambling-related harms, harm prevention approaches and treatment for those harmed by gambling.

3.2 Access to gambling by children and young persons

Social responsibility code provision 3.2.3

Access to gambling by children and young persons – AGC-SR code

All adult gaming centre licences

- 1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2 This must include procedures for:
 - a checking the age of apparently underage customers
 - b removing anyone who appears to be under age and cannot produce an acceptable form of identification
 - c taking action when there are attempts by under-18s to enter the premises.
- 3 Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises.
- 4 Licensees must not deliberately provide facilities for gambling in such a way as to appeal particularly to children or young people, for example by reflecting or being associated with youth culture.
- 5 In premises restricted to adults, service must be refused in any circumstances where any adult is accompanied by a child or young person.
- 6 Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover all relevant prohibitions against inviting children or young persons to gamble or to enter gambling premises, and the legal requirements on returning stakes and not paying prizes to underage customers.
- 7 Licensees must only accept identification which:
 - a contains a photograph from which the individual can be identified
 - b states the individual's date of birth
 - c is valid
 - d is legible and has no visible signs of tampering or reproduction.
- 8 Licensees in fee category C or higher must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission.

Ordinary code provision 3.2.4

Access to gambling by children and young persons – AGC ordinary code

All adult gaming centre licences

- 1** The Commission considers acceptable forms of identification to include any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including a provisional licence) with photocard; or a passport.
- 2** Licensees should put into effect procedures that require their staff to check the age of any customer who appears to them to be under 21.
- 3** Licensees should consider permanent exclusion from premises for any adult accompanied by a child or young person on more than one occasion to premises restricted to adults, or if there is reason to believe the offence was committed knowingly or recklessly.
- 4** Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on premises restricted to adults, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling.
- 5** Licensees in fee categories A or B should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling (for example by taking part in a collective test purchasing programme) and should be able to explain to the Commission or licensing authority what approach they have adopted.
- 6** In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.

Social responsibility code provision 3.2.5

Access to gambling by children and young persons – bingo and FEC SR code

All non-remote bingo and family entertainment centre licences

- 1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
2. This must include procedures for:
 - a checking the age of apparently underage customers
 - b refusing entry to any adult-only areas to anyone unable to produce an acceptable form of identification
 - c taking action when there are unlawful attempts to enter the adult-only areas.
- 3 Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises.
- 4 Licensees must not permit children or young people to gamble in the adults-only areas of premises to which they have access. If there is a 'no under-18s' premises policy, licensees must pay particular attention to the procedures they use at the entrance to the premises to check customers' ages.
- 5 Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover:
 - a all relevant prohibitions against inviting children or young persons to gamble on age-restricted products or to enter age-restricted areas;
 - b the legal requirements on returning stakes and not paying prizes to underage customers; and
 - c procedures for challenging any adult who may be complicit in allowing a child or young person to gamble.
- 6 Licensees must only accept identification which:
 - a contains a photograph from which the individual can be identified
 - b states the individual's date of birth
 - c is valid
 - d is legible and has no visible signs of tampering or reproduction.
- 7 Licensees in fee category C or higher must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission.

Ordinary code provision 3.2.6

Access to gambling by children and young persons – bingo and FEC ordinary code All non-remote bingo and family entertainment centre licences

- 1** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including a provisional licence) with photocard; or a passport.
- 2** Licensees should require a person who appears to relevant staff to be under the age of 21 to be asked to produce proof of age, either at the point of entry to the gambling area or as soon as it comes to the attention of staff that they wish to access gambling facilities.
- 3** Licensees should have procedures for dealing with cases where an adult knowingly or recklessly allows a child or young person to gamble. These procedures might include refusing to allow the adult to continue to gamble, removing them from the premises, and reporting the incident to the police or local authorities, or taking action where forged identification is produced.
- 4** Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on their premises, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling to the child or young person concerned.
- 5** Where it is likely that customers' young or otherwise vulnerable children will be left unattended on or adjacent to their premises, licensees should consider reminding customers of their parental responsibilities and assess whether there is a need to develop procedures for minimising the risk to such children.
- 6** Licensees in fee categories A or B should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling (for example by taking part in a collective test purchasing programme) and should be able to explain to the Commission or licensing authority what approach they have adopted.
- 7** In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.

3.3 Gambling management tools and responsible gambling management information

Social responsibility code provision 3.3.1

Responsible gambling information

All licences, except gaming machine technical, gambling software, host, ancillary remote bingo, ancillary remote casino and remote betting (remote platform) licences

- 1 Licensees must make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling.
- 2 The information must cover:
 - a any measures provided by the licensee to help individuals monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend
 - b timers or other forms of reminders or 'reality checks' where available
 - c self-exclusion options
 - d information about the availability of further help or advice.
- 3 The information must be directed to all customers whether or not licensees also make available material which is directed specifically at customers who may be 'problem gamblers'.
- 4 For gambling premises, information must be available in all areas where gambling facilities are provided and adjacent to ATMs. Information must be displayed prominently using methods appropriate to the size and layout of the premises. These methods may include the use of posters, the provision of information on gambling products, or the use of screens or other facilities in the gambling premises. Information must also be available in a form that may be taken away and may also be made available through the use of links to be accessed online or using smart technology. Licensees must take all reasonable steps to ensure that this information is also readily accessible in locations which enable the customer to obtain it discreetly.

Ordinary code provision 3.3.2

Responsible gambling information – foreign languages

All licences, except gaming machine technical, gambling software, host, ancillary remote bingo and ancillary remote casino licences

- 1 Licensees who market their services in one or more foreign languages should make available in that, or those, foreign languages:
 - a the information on how to gamble responsibly and access to help referred to above
 - b the players' guides to any game, bet or lottery required to be made available to customers under provisions in this code
 - c the summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.

3.4 Customer interaction

Social responsibility code provision 3.4.1

Customer interaction

All licences, except non-remote lottery, gaming machine technical, gambling software and host licences

- 1 Licensees must interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling. This must include:
 - a identifying customers who may be at risk of or experiencing harms associated with gambling.
 - b interacting with customers who may be at risk of or experiencing harms associated with gambling
 - c understanding the impact of the interaction on the customer, and the effectiveness of the Licensee's actions and approach.
- 2 Licensees must take into account the Commission's guidance on customer interaction.

3.5 Self-exclusion

Social responsibility code provision 3.5.1

Self-exclusion – non-remote and trading rooms SR code

All non-remote licences (except lottery, gaming machine technical and gambling software licences) and remote betting intermediary (trading rooms only) licences

- 1 Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- 2 Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 3 Licensees must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group (or otherwise flag that person as an individual to whom marketing material must not be sent), within two days of receiving the completed self-exclusion notification.
- 4 This covers any marketing material relating to gambling, or other activities that take place on the premises where gambling may take place. However, it would not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.
- 5 Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.
- 6 Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:
 - a a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
 - b photo identification (except where the Licensee can reasonably satisfy themselves that in the circumstances in which they provide facilities for gambling an alternative means of identification is at least as effective) and a signature;
 - c staff training to ensure that staff are able to administer effectively the systems; and
 - d the removal of those persons found in the gambling area or attempting to gamble from the premises.
- 7 Licensees must ensure that their procedures for preventing access to gambling by self-excluded individuals take account of the structure and layout of the gambling premises.
- 8 Licensees must, when administering the self-exclusion agreement, signpost the individual to counselling and support services.

Ordinary code provision 3.5.2

Self-exclusion – non-remote ordinary code

All non-remote licences and remote betting intermediary (trading rooms only) licences, but not gaming machine technical and gambling software licences

- 1 Self-exclusion procedures should require individuals to take positive action in order to self-exclude. This can be a signature on a self-exclusion form.
- 2 Individuals should be able to self-exclude without having to enter gambling premises.
- 3 Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.
- 4 Licensees should take all reasonable steps to extend the self-exclusion to premises of the same type owned by the operator in the customer's local area. In setting the bounds of that area licensees may take into account the customer's address (if known to them), anything else known to them about the distance the customer ordinarily travels to gamble and any specific request the customer may make.
- 5 Licensees should encourage the customer to consider extending their self-exclusion to other licensees' gambling premises in the customer's local area.
- 6 Customers should be given the opportunity to discuss self-exclusion in private, where possible.
- 7 Licensees should take steps to ensure that:
 - a the minimum self-exclusion period offered is of a duration of not less than 6 nor more than 12 months
 - b any self-exclusion may, on request, be extended for one or more further periods of at least 6 months each
 - c a customer who has decided to enter a self-exclusion agreement is given the opportunity to do so immediately without any cooling-off period. However, if the customer wishes to consider the self-exclusion further (for example to discuss with problem gambling groups), the customer may return at a later date to enter into self-exclusion
 - d at the end of the period chosen by the customer, the self-exclusion remains in place for a further 6 months, unless the customer takes positive action in order to gamble again
 - e where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again during the 6 month period following the end of their initial self-exclusion, the customer is given one day to cool off before being allowed access to gambling facilities. The contact must be made via telephone or in person
 - f notwithstanding the expiry of the period of self-exclusion chosen by a customer, no marketing material should be sent to them unless and until they have asked for or agreed to accept such material.
- 8 The licensee should retain the records relating to a self-exclusion agreement at least for the length of the self-exclusion agreement plus a further 6 months.
- 9 Please note that the Commission does not require the licensee to carry out any particular assessment or make any judgement as to whether the previously self-excluded individual should again be permitted access to gambling. The requirement to take positive action in person or over the phone is purely to a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and b) implement the one day cooling-off period and explain why this has been put in place.
- 10 Licensees should have, and put into effect, policies and procedures which recognise, seek to guard against and otherwise address, the fact that some individuals who have self-excluded might attempt to breach their exclusion without entering a gambling premises, for example, by getting another to gamble on their behalf.
- 11 Licensees should have effective systems in place to inform all venue staff of self-excluded individuals who have recently attempted to breach a self-exclusion in that venue, and the licensees neighbouring venues.
- 12 In providing training to staff on their responsibilities for self-exclusion, licensees should have, as a minimum, policies for induction training and refresher training.

Social responsibility code provision 3.5.6

Self-exclusion – multi-operator non-remote SR code

All non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres

- 1 Licensees must offer customers with whom they enter into a self-exclusion agreement in respect of facilities for any kind of gambling offered by them at licensed gambling premises the ability to self-exclude from facilities for the same kind of gambling offered in their locality by any other holder of an operating licence to whom this provision applies, by participating in one or more available multi-operator self-exclusion schemes.

Ordinary code provision 3.5.7

Self-exclusion – multi-operator non-remote ordinary code

All non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres

- 1 Licensees should contribute to and participate in the development and effective implementation of multi-operator self-exclusions schemes with the aim of making available to customers the ability to self-exclude from facilities for gambling provided by other licensed operators within their local area(s).

3.6 Employment of children and young persons

Ordinary code provision 3.6.5

Employment of children and young people – AGCs

All adult gaming centre licences

- 1 Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence:
 - a to employ them to provide facilities for gambling;
 - b if gaming machines are sited on the premises, for their contracts of employment to require them, or for them to be permitted, to perform a function in connection with a gaming machine at any time; and
 - c to employ them to carry out any other function on adult gaming centre licensed premises while any gambling activity is being carried on in reliance on the premises licence.
- 2 As to **1b**, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
 - a children and young persons are never asked to perform tasks within **1a** or **1b**, above
 - b all staff, including those who are children or young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4 Licensees should consider adopting a policy that:
 - a children and young persons are not employed to work on adult gaming centre licensed premises at any time when the premises are open for business
 - b gaming machines are turned off if children and young persons are working on the premises outside the hours when the premises are open for business.

Ordinary code provision 3.6.6

Employment of children and young people – FECs

All family entertainment centre licences

- 1** Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence:
 - a** to employ them to provide facilities for gambling; and
 - b** if gaming machines are sited on the premises, for their contracts of employment to require them, or for them to be permitted, to perform a function in connection with a gaming machine at any time.
- 2** As to 1b, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3** Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
 - a** children and young persons are never asked to perform tasks within 1a or 1b, above; and
 - b** all staff, including those who are children or young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4** Licensees should consider adopting a policy that:
 - a** children and young persons are not employed to carry out any work in an adult-only area of family entertainment licensed premises at a time when any gambling is taking place; and
 - b** gaming machines sited in adult-only areas are turned off if children and young persons are working on the premises outside the hours when the premises are open for business.

3.8 Money lending between customers

Ordinary code provision 3.8.2

Money-lending – other than casinos

All non-remote bingo, general betting, adult gaming centre, family entertainment centre and remote betting intermediary (trading rooms only) licences

- 1** Licensees should seek to prevent systematic or organised money lending between customers on their premises. As a minimum, they should have arrangements in place to ensure staff are requested to report any instances of substantial money lending when they become aware of them.

4 'Fair and open' provisions

4.1 Fair terms

Social responsibility code provision 4.1.1

Fair terms

All licences, except gaming machine technical and gambling software licences

- 1** Licensees must be able to provide evidence to the Commission, if required, showing how they satisfied themselves that their terms are not unfair?

5 Marketing

5.1 Rewards and bonuses

Social responsibility code provision 5.1.1

Rewards and bonuses – SR code

All licences (including ancillary remote licences), except gaming machine technical and gambling software licences

- 1 If a licensee makes available to any customer or potential customer any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services or any other advantage (including the discharge in whole or in part of any liability of his) ('the benefit') the scheme must be designed to operate, and be operated, in such a way that:
 - a the circumstances in which, and conditions subject to which, the benefit is available are clearly set out and readily accessible to the customers to whom it is offered;
 - b neither the receipt nor the value or amount of the benefit is:
 - i dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency; or
 - ii altered or increased if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered.
 - c if the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases; and further that:
 - d if the benefit comprises free or subsidised travel or accommodation which facilitates the customer's attendance at particular licensed premises the terms on which it is offered are not directly related to the level of the customer's prospective gambling.

Ordinary code provision 5.1.2

Proportionate rewards

All licences (including ancillary remote licences), except gaming machine technical and gambling software licences

- 1 Licensees should only offer incentive or reward schemes in which the benefit available is proportionate to the type and level of customers' gambling.

Social responsibility code provision 5.1.6

Compliance with advertising codes

All licences, except lottery licences

- 1 All marketing of gambling products and services must be undertaken in a socially responsible manner.
- 2 In particular, Licensees must comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) as applicable. For media not explicitly covered, licensees should have regard to the principles included in these codes of practice as if they were explicitly covered.
- 3 The restriction on allowing people who are, or seem to be, under-25 years old (ie: those in the 18-24 age bracket) to appear in marketing communications need not be applied in the case of non-remote point of sale advertising material, provided that the images used depict the sporting or other activity that may be gambled on and not the activity of gambling itself and do not breach any other aspect of the advertising codes.

Ordinary code provision 5.1.8
Compliance with industry advertising codes
All licences

- 1 Licensees should follow any relevant industry code on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.

Social responsibility code provision 5.1.9
Other marketing requirements
All licences

- 1 Licensees must ensure that their marketing communications, advertisement, and invitations to purchase (within the meaning of the Consumer Protection from Unfair Trading Regulations 2008) do not amount to or involve misleading actions or misleading omissions within the meaning of those Regulations.
- 2 Licensees must ensure that all significant conditions which apply to marketing incentives are provided transparently and prominently to consumers. Licensees must present the significant conditions at the point of sale for any promotion, and on any advertising in any medium for that marketing incentive except where, in relation to the latter, limitations of space make this impossible. In such a case, information about the significant conditions must be included to the extent that it is possible to do so, the advertising must clearly indicate that significant conditions apply and where the advertisement is online, the significant conditions must be displayed in full no further than one click away.
- 3 The terms and conditions of each marketing incentive must be made available for the full duration of the promotion.

Ordinary code provision 5.1.10
Online marketing in proximity to information on responsible gambling
All licences

- 1 Licensees should ensure that no advertising or other marketing information, whether relating to specific offers or to gambling generally, appears on any primary web page/screen, or micro site that provides advice or information on responsible gambling

Social Responsibility code provision 5.1.11
Direct electronic marketing consent
All licences

- 1 Unless expressly permitted by law consumers must not be contacted with direct electronic marketing without their informed and specific consent. Whenever a consumer is contacted the consumer must be provided with an opportunity to withdraw consent. If consent is withdrawn the licensee must, as soon as practicable, ensure the consumer is not contacted with electronic marketing thereafter unless the consumer consents again. Licensees must be able to provide evidence which establishes that consent.

6 Complaints and disputes

6.1 Complaints and disputes

Social responsibility code provision 6.1.1

Complaints and disputes

All licences (including ancillary remote licensees) except gaming machine technical and gambling software licences

- 1 Licensees must put into effect appropriate policies and procedures for accepting and handling customer complaints and disputes in a timely, fair, open and transparent manner.
- 2 Licensees must ensure that they have arrangements in place for customers to be able to refer any dispute to an ADR entity in a timely manner if not resolved to the customer's satisfaction by use of their complaints procedure within eight weeks of receiving the complaint, and where the customer cooperates with the complaints process in a timely manner.
- 3 The services of any such ADR entity must be free of charge to the customer.
- 4 Licensees must not use or introduce terms which restrict, or purport to restrict, the customer's right to bring proceedings against the licensee in any court of competent jurisdiction. Such terms may, however, provide for a resolution of a dispute agreed by the customer (arrived at with the assistance of the ADR entity) to be binding on both parties.
- 5 Licensees' complaints handling policies and procedures must include procedures to provide customers with clear and accessible information on how to make a complaint, the complaint procedures, timescales for responding, and escalation procedures.
- 6 Licensees must ensure that complaints policies and procedures are implemented effectively, kept under review and revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidance published by the Gambling Commission from time to time.
- 7 Licensees should keep records of customer complaints and disputes in such manner as the Commission may from time to time specify in advice or guidance. They must provide information to the Commission about customer complaints, disputes, the outcomes of disputes referred to ADR, and court proceedings adverse to the licensee, also in such manner as the Commission may from time to time specify.

In this code, 'ADR entity' means

- a A offering alternative dispute resolution services whose name appears on the list person maintained by the Gambling Commission in accordance with the 'Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and information) Regulations, 2015, and
- b Whose name appears on the list of providers that meet the Gambling Commission's additional standards found in the document 'Alternative dispute resolution (ADR) in the gambling industry – standards and guidance for ADR providers'.

Both lists are on the Commission's website and will be updated from time to time.

7 Gambling licensees' staff

7.1 Gambling licensees' staff

Social responsibility code provision 7.1.2

Responsible gambling information for staff

All licences, including betting ancillary remote licences, but not other ancillary remote licences

- 1 Licensees must take all reasonable steps to ensure that staff involved in the provision of facilities for gambling are made aware of advice on socially responsible gambling and of where to get confidential advice should their gambling become hard to control.

8 Information requirements

8.1 Information requirements

Ordinary code provision 8.1.1

Information requirements – ordinary code

All licences

- 1 As stated earlier in this code, the Commission expects licensees to work with the Commission in an open and cooperative way and to inform the Commission of any matters that the Commission would reasonably need to be aware of in exercising its regulatory functions. These include in particular matters that will have a material impact on the licensee's business or on the licensee's ability to conduct licensed activities compliantly and consistently with the licensing objectives.
- 2 Thus, licensees should notify the Commission, or ensure that the Commission is notified, as soon as reasonably practicable and in such form and manner as the Commission may from time to time specify¹, of any matters which in their view could have a material impact on their business or affect compliance. The Commission would, in particular, expect to be notified of the occurrence of any of the following events in so far as not already notified in accordance with the conditions attached to the licensee's licence²:
 - a any material change in the licensee's structure or the operation of its business
 - b any material change in managerial responsibilities or governance arrangements
 - c any report from an internal or external auditor expressing, or giving rise to, concerns about material shortcomings in the management control or oversight of any aspect of the licensee's business related to the provision of gambling facilities.

¹ These matters can be reported securely online at the Commission's website through our eServices system www.gamblingcommission.gov.uk

Alternatively, for operators unable to access this system, you can these events by email to: key.events@gamblingcommission.gov.uk

² Events which **must** be reported, because the Commission considers them likely to have a material impact on the nature or structure of a licensee's business, are set out in general licence condition 15.2.1

10 Assessing local risk

10.1 Assessing local risk

Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

- 1 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy¹.
- 2 Licensees must review (and update as necessary) their local risk assessments:
 - a to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c when applying for a variation of a premises licence; and
 - d in any case, undertake a local risk assessment when applying for a new premises licence.

¹This is the statement of licensing policy under the Gambling Act 2005.

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

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GAMBLING COMMISSION

Conditions and codes of practice applicable to Non-remote bingo licences

Including sector-specific extract of
LCCP January 2020

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General introduction

- 1 This document sets out the Gambling Commission's general licence conditions and associated code of practice provisions (LCCP) under the Gambling Act 2005 (the Act) which are applicable to the specified sector(s).
- 2 The LCCP document sets out:
 - Part I: (in black) statutory conditions attached by virtue of the Act
 - Part II: (in orange) the suite of general conditions attached to operating licences
 - Part III: (in blue) the principal code of practice, distinguishing between 'social responsibility' provisions and 'ordinary' provisions (the social responsibility provisions are in shaded boxes within the text).
- 3 An [index](#) to the provisions is provided at the end of this document, and if using an electronic version of this document, links are provided from both the contents and index pages to aid navigation.
- 4 Copies of LCCP can be obtained from the Commission's website: www.gamblingcommission.gov.uk or by writing to:
 - Gambling Commission
 - Victoria Square House
 - Victoria Square
 - Birmingham B2 4BP
 - T 0121 230 6666
 - F 0121 230 6720
 - E info@gamblingcommission.gov.uk
- 5 The Commission also produces sector-specific extracts of LCCP and these will be made available on the website. Further information about the history of LCCP (such as the results of completed consultations) and potential future amendments to LCCP can also be found on the website.
- 6 This extract of LCCP comes into force on **1 January 2020**.
- 7 Relevant requirements of the conditions and code provisions were notified in draft to the European Commission in accordance with Directive (EU) 2015/1535.

Part I: Statutory conditions attached by virtue of the Act

Social Responsibility

This licence is subject to a condition that the licensee ensures compliance with any relevant social responsibility provision of a code of practice issued by the Commission. The social responsibility provisions that are relevant to the activities authorised by this licence are set out in the section entitled Codes of Practice (Part III).

(Sections 24 and 82(1) Gambling Act 2005)

Return of stakes to children

The following condition applies to all remote operating licences except remote pool betting operating licences restricted to football only

This licence is subject to a condition that if the licensee (or anyone employed by the licensee to perform an operational function within the meaning of Section 80 of the Act) becomes aware that a child or young person is using or has used facilities for gambling provided in reliance on the licence, the licensee:

- (a) must return any money paid in respect of the use of those facilities (whether by way of fee, stake or otherwise) by the child or young person as soon as is reasonably practicable; and
- (b) may not give a prize to the child or young person.

This condition does not apply to use of a Category D gaming machine.

(Section 83(1))

Credit

This licence is subject to a condition that the licensee may not:

- give credit in connection with gambling; or
- participate in, arrange, permit or knowingly facilitate the giving of credit in connection with gambling.

But this condition shall not prevent the licensee from permitting the installation and use on their licensed premises of a machine enabling cash to be obtained on credit from a person (the "credit provider") provided that:

- the licensee has no other commercial connection with the credit provider in relation to gambling;
- the licensee neither makes nor receives any payment or reward (whether by way of commission, rent or otherwise) in connection with the machine; and
- any conditions about the nature, location or use of the machine which may be attached to this licence by the Commission or by virtue of regulations by the Secretary of State are complied with.

(Section 81(2))

Part 1: Suite of general condition to operating licences under Section 75 of the Gambling Act 2005 (the Act)

1 Qualified persons and personal licences

1.1 Qualified persons

Licence condition 1.1.1

Qualified persons – qualifying position

All operating licences, except ancillary remote licences, issued to small-scale operators

- 1 In this condition the terms 'small-scale operator', 'qualifying position' and 'qualified person' have the meanings respectively ascribed to them by the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.
- 2 Schedule X¹ lists those individuals notified to the Commission as qualified persons.
- 3 If, whilst the licensee remains a small-scale operator, an individual begins or ceases to occupy a qualifying position in relation to the licensee, the licensee must within 28 days apply to the Commission under section 104(1)(b) of the Act for amendment of the details of the licence set out in Schedule X¹.
- 4 An application for amendment under section 104(1)(b) of the Act may be made in advance of an individual beginning or ceasing to occupy a qualifying position provided it specifies the date from which the change to which it relates is to be effective.
- 5 In this condition 'qualified person' has the same meaning as in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.

¹ The schedules mentioned here will be attached to individual licences.

1.2 Personal licences

Licence condition 1.2.1

Specified management offices – personal management licences

All casino, bingo, general and pool betting, betting intermediary, gaming machine general, gaming machine technical, gambling software and lottery managers licences, except ancillary remote licences

- 1 Subject to 6 and 7 below, licensees must ensure:
 - a that each individual who occupies one of the management offices specified in 2 below in respect of the licensee or in connection with the licensed activities holds a personal licence authorising the performance of the functions of that office (hereafter 'a personal management licence'); and
 - b that at least one person occupies at least one of those offices
- 2 The specified management offices are those offices (whether or not held by a director in the case of a licensee which is a company, a partner in the case of a licensee which is a partnership or an officer of the association in the case of a licensee which is an unincorporated association) the occupier of which is by virtue of the terms of their appointment responsible for:
 - a the overall management and direction of the licensee's business or affairs
 - b the licensee's finance function as head of that function
 - c the licensee's gambling regulatory compliance function as head of that function
 - d the licensee's marketing function as head of that function
 - e the licensee's information technology function as head of that function in so far as it relates to gambling-related information technology and software
 - f oversight of the day to day management of the licensed activities at an identified number of premises licensed under Part 8 of the Act or across an identified geographical area
 - g in the case of casino and bingo licences only, oversight of the day to day management of a single set of premises licensed under Part 8 of the Act.
- 3 The person responsible for the licensee's gambling regulatory compliance function as head of that function shall not, except with the Commission's express approval, occupy any other specified management office.
- 4 Licensees must take all reasonable steps to ensure that anything done in the performance of the functions of a specified management office is done in accordance with the terms and conditions of the holder's personal management licence.
- 5 Where an individual is authorised by a personal licence and that licence comes under review under section 116(2) of the Act, the operating licensee must comply with any conditions subsequently imposed on that licence by the Commission about redeployment, supervision, or monitoring of the individual's work and any requirements of the Commission in respect of such matters applicable during the period of the review.
- 6 Paragraphs 1 to 5 above shall not apply to a licensee for so long as the licensee is a 'small-scale operator' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006 ('the Regulations').
- 7 During the period of 3 years commencing with the date on which a licensee ceases to be a small-scale operator paragraphs 1 to 6 above shall apply subject to the proviso that the phrase 'each individual' in paragraph 1a shall not include any individual who was a 'qualified person' (as defined in the Regulations) in relation to the licensee 28 days immediately prior to the licensee ceasing to be a small-scale operator.

2 Technical standards, equipment specification, remote gambling equipment and gambling software

2.3 Technical standards and equipment specifications

Licence condition 2.3.3

Casino equipment specifications

Non-remote casino operating licences and casino ancillary remote licences

- 1 Licensees must comply with the Commission's specifications for casino equipment.

4 Protection of customer funds

4.2 Disclosure to customers

Licence condition 4.2.1

Disclosure to customers

All operating licences, except gaming machine technical, gambling software, host, ancillary, remote bingo, and ancillary remote casino licences

- 1 Licensees who hold customer funds must set out clearly in the terms and conditions under which they provide facilities for gambling information about whether customer funds are protected in the event of insolvency, the level of such protection and the method by which this is achieved.
- 2 Such information must be according to such rating system and in such form the Commission may from time to time specify. It must be provided in writing to each customer, in a manner which requires the customer to acknowledge receipt of the information and does not permit the customer to utilise the funds for gambling until they have done so, both on the first occasion on which the customer deposits funds and on the occasion of any subsequent deposit which is the first since a change in the licensee's terms in relation to protection of such funds.
- 3 In this condition 'customer funds' means the aggregate value of funds held to the credit of customers including, without limitation:
 - a cleared funds deposited with the licensee by customers to provide stakes in, or to meet participation fees in respect of, future gambling;
 - b winnings or prizes which the customer has chosen to leave on deposit with the licensee or for which the licensee has yet to account to the customer; and
 - c any crystallised but as yet unpaid loyalty or other bonuses, in each case irrespective of whether the licensee is a party to the gambling contract.

5 Payment

5.1 Cash and cash equivalents, payment methods and services

Licence condition 5.1.1

Cash and cash equivalents

All operating licences except gaming machine technical, gambling software and host licences

- 1 Licensees, as part of their internal controls and financial accounting systems, must implement appropriate policies and procedures concerning the usage of cash and cash equivalents (eg bankers drafts, cheques and debit cards and digital currencies) by customers, designed to minimise the risk of crimes such as money laundering, to avoid the giving of illicit credit to customers and to provide assurance that gambling activities are being conducted in a manner which promotes the licensing objectives.
- 2 Licensees must ensure that such policies and procedures are implemented effectively, kept under review, and revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidelines published by the Gambling Commission from time to time.

7 General 'fair and open provisions'

7.1 Fair and transparent terms and practices

Licence condition 7.1.1

Fair and transparent terms and practices

All operating licences except gaming machine technical and gambling software licences

- 1 Licensees must ensure that the terms on which gambling is offered, and any consumer notices relating to gambling activity, are not unfair within the meaning of the Consumer Rights Act 2015. Licensees must comply with those terms.
- 2 The contractual terms on which gambling is offered and any consumer notices relating to gambling activity must be transparent within the meaning of the Consumer Rights Act 2015. The contractual terms on which gambling is offered must be made available to customers in an easily accessible way.
- 3 Licensees must ensure that changes to customer contract terms comply with the fairness and transparency requirements under the Consumer Rights Act 2015. Customers must be notified of material changes to terms before they come into effect.
- 4 Licensees must ensure that they do not commit any unfair commercial practices within the meaning of the Consumer Protection from Unfair Trading Regulations 2008, at any stage of their interactions with consumers.

9 Types and rules of casino and other games

9.1 Casino and bingo games

Licence condition 9.1.2

Prohibited bingo prize games

All non-remote bingo operating licences

- 1 Licensees must not offer or permit to be played prize gaming games that appear on any list of games prohibited by the Commission.

12 Anti-money laundering

12.1 Prevention of money laundering and terrorist financing

Licence condition 12.1.1

Anti-money laundering

Prevention of money laundering and terrorist financing

All operating licences except gaming machine technical and gambling software licences

- 1 Licensees must conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes of circumstances, including the introduction of new products or technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.
- 2 Following completion of and having regard to the risk assessment, and any review of the assessment, licensees must ensure they have appropriate policies, procedures and controls to prevent money laundering and terrorist financing.
- 3 Licensees must ensure that such policies, procedures and controls are implemented effectively, kept under review, revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidelines published by the Gambling Commission from time to time.

14 Access to premises

14.1 Access to premises

Licence condition 14.1.1

Access to premises

All operating licences

- 1 Licensees must have and put into effect policies and procedures (including staff training programmes) designed to ensure that their staff co-operate with the Commission's enforcement officers in the proper performance of their compliance functions and are made aware of those officers' rights of entry to premises contained in Part 15 of the Act.

15 Information requirements

15.1 Reporting suspicion of offences

Licence condition 15.1.1

Reporting suspicion of offences etc - non-betting licences

All operating licences except betting, betting intermediary, ancillary remote betting, betting host and remote betting intermediary (trading rooms only) licences

- 1 Licensees must as soon as reasonably practicable provide the Commission or ensure that the Commission is provided with any information that they know relates to or suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a licence condition or a code provision having the effect of a licence condition.

15.2 Reporting key events and other reportable events

Licence condition 15.2.1

Reporting key events

All operating licences

A key event is an event that could have a significant impact on the nature or structure of a licensee's business. Licensees must notify the Commission, or ensure the Commission is notified, in such form or manner as the Commission may from time to time specify, of the occurrence of any of the following key events as soon as reasonably practicable and in any event within five working days of the licensee becoming aware of the event's occurrence¹.

Operator status

- 1 In the case of licensees which are companies, a petition being presented for their winding up or the winding up of any group company of theirs, or they or any group company being placed in administration or receivership or their directors proposing to creditors a composition in satisfaction of its debts or a scheme of arrangement of its affairs.
- 2 In the case of licensees which are bodies corporate, but not companies, any event substantially equivalent to those listed at 1 above.
- 3 In the case of a licensee who is an individual (or a partner in a partnership licensee) their being presented with a petition for their bankruptcy or sequestration or their entering into an individual voluntary arrangement.

Relevant persons and positions

- 4 In the case of licensees who are companies or other bodies corporate having a share capital, the name and address of any person who (whether or not already a shareholder or member) becomes a shareholder or member holding 3% or more of the issued share capital of the licensee or its holding company.
- 5 Any investment in a licensee which is not by way of subscription for shares.
- 6 The taking of any loan by the licensee, or by a group company who then makes an equivalent loan to the licensee, from any person not authorised by the Financial Conduct Authority: a copy of the loan agreement must be supplied.
- 7 The entering into an arrangement whereby a third party provides services to, or grants any licence concession or permission to, the licensee other than for full value: full details of the arrangements must be supplied.
- 8 The appointment of a person to, or a person ceasing to occupy, a 'key position': a 'key position' in relation to a licensee is:
 - a in the case of a small-scale operator, a 'qualifying position' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006
 - b in the case of an operator which is not a small-scale operator, a 'specified management office' as set out in (current) LCCP licence condition 1.2
 - c a position the holder of which is responsible for the licensee's anti-money laundering procedures, including suspicious activity reporting
 - d any other position for the time being designated by the Commission as a 'key position'. (Notification is required whether or not the person concerned is required to hold a personal management licence and whether or not the event notified requires the licensee to apply for a variation to amend a detail of their licence.)
- 9 Any change to the structure or organisation of the licensee's business which affects a 'key position' or the responsibilities of its holder.

Financial events

- 10 Any material change in the licensee's banking arrangements, in particular the termination of such arrangements or a particular facility and whether by the licensee or the provider of the arrangements.
- 11 Any breach of a covenant given to a bank or other lender.
- 12 Any default by the licensee or, where the licensee is a body corporate, by a group company in making repayment of the whole or any part of a loan on its due date.
- 13 Any court judgments (in whatever jurisdiction) against the licensee or, where the licensee is a body corporate, a group company, remaining unpaid 14 days after the date of judgment.
- 14 Where the licensee is required to have their accounts independently audited, any qualification to an auditors' report; and any unplanned change of auditor including a change prompted by a dispute or resulting from auditors being unable or unwilling to sign an unqualified audit report.
- 15 Any change in the licensee's arrangements for the protection of customer funds in accordance with the general licence condition 4 relating to the protection of customer funds (where applicable).
- 16 Where the licensee holds customer funds in a separate bank account, any deficit on reconciliation of such bank account.
- 17 Any change in the licensee's arrangements as to the methods by which, and/or the payment processors through which, the licensee accepts payment from customers using their gambling facilities (this key event applies to remote casino, bingo and betting operating licences, except ancillary and remote betting intermediary (trading room only) licences).

Legal or regulatory proceedings or reports

- 18 The grant, withdrawal or refusal of any application for a licence or other permission made by the licensee, or in the case of a licensee which is a body corporate, any group company of theirs, to a gambling regulator in another jurisdiction. In the case of a withdrawal or refusal of the application, the licensee must also notify the reasons for such withdrawal or refusal. (This condition does not apply to applications for licences or other permissions to carry on activities which would fall outside the scope of a Gambling Commission operating licence if carried out in Britain or with customers in Great Britain.)
- 19a Any investigation by a professional, statutory, regulatory or government body (in whatever jurisdiction) into the licensee's activities, or the activities in relation to the licensed entity of a personal licence holder or a person occupying a qualifying position employed by them, where such an investigation could result in the imposition of a sanction or penalty which, if imposed, could reasonably be expected to raise doubts about the licensee's continued suitability to hold a Gambling Commission licence.
- 19b Any criminal investigation by a law enforcement agency in any jurisdiction in relation to which:
 - the licensee is involved (including, but not limited to investigations of crimes allegedly committed against the licensee or involving the gambling facilities provided under the licence), AND
 - the circumstances are such that the Commission might reasonably be expected to question whether the licensee's measures to keep crime out of gambling had failed.Notification of the event must occur as soon as practicable after the licensee becomes aware of any such investigation in which the licensee is involved and measures may have failed.
- 20 The receipt of any report from a professional, statutory or other regulatory or government body (in whatever jurisdiction) of the outcome of a compliance assessment in relation to the gambling activity of the licensee or, where the licensee is a body corporate, of any group company in which at least one person who holds a key position in or in respect of the licensee holds a key position: a copy of the report should be provided where available to the licensee.

- 21** The referral to the licensee's Board, or persons performing the function of an audit or risk committee, of material concerns raised by a third party (such as an auditor) about the provision of facilities for gambling which are expressed (in whatever terms) as requiring attention as a high priority: a summary of the nature of the concerns must be provided.
- 22** The imposition by the licensee of a disciplinary sanction, including dismissal, against the holder of a personal licence or a person occupying a qualifying position for gross misconduct; or the resignation of a personal licence holder or person occupying a qualifying position following commencement of disciplinary proceedings in respect of gross misconduct against that person.
- 23** The commencement (in whatever jurisdiction) of any material litigation against the licensee or, where the licensee is a body corporate, a group company: the licensee must also notify the outcome of such litigation.
- 24** The making of a disclosure pursuant to section 330, 331, 332 or 338 of the Proceeds of Crime Act 2002 or section 19, 20, 21, 21ZA, 21ZB or 21A of the Terrorism Act 2000 (a suspicious activity report): the licensee should inform the Commission of the unique reference number issued by the United Kingdom Financial Intelligence Unit of the National Crime Agency in respect of each disclosure and for the purposes of this key event the five working day period referred to above runs from the licensee's receipt of the unique reference number. The licensee should also indicate whether the customer relationship has been discontinued at the time of the submission.

Gambling facilities

- 25a** Any breach in the licensee's information security that adversely affects the confidentiality of customer data or prevents customers from accessing their accounts for longer than 24 hours.
- 25b** Where a gaming system fault has resulted in under or overpayments to a player (this includes instances where a fault causes an incorrect prize/win value to be displayed).
- 26** Any change in the identity of the ADR entity or entities for the handling of customer disputes, as required by the social responsibility code provision on complaints and disputes.
- 27** The reference of a dispute to an ADR entity other than one in respect of which contact details were given in accordance with the social responsibility code provision on complaints and disputes; the reason for selection of that ADR entity should be given.
- 28** In the case of remote gambling, the commencement or cessation of trading on website domains (*including mobile sites or mobile device applications*) or broadcast media through which the licensee provides gambling facilities.

In this condition:

'body corporate' has the meaning ascribed to that term by section 1173 of the Companies Act 2006 or any statutory modification or re-enactment thereof

- a** in respect of a company, 'holding company' and 'subsidiary' have the meaning ascribed to that term by section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof
- b** a 'group company' is any subsidiary or holding company of the licensee and any subsidiary of such holding company.

¹ Key events can be reported securely online at the Commission's website through our eServices system www.gamblingcommission.gov.uk Alternatively, for operators unable to access this system, you can report a key event by email to: key.events@gamblingcommission.gov.uk Alternatively, for operators unable to access this system, you can report a key event by email to: key.events@gamblingcommission.gov.uk

Licence condition 15.2.2

Other reportable events

All operating licences

- 1 Licensees must also notify the Commission in such form or manner as the Commission may from time to time specify, or ensure that the Commission is so notified, as soon as reasonably practicable of the occurrence of any of the following events¹:
 - a the conclusion of a dispute referred to an ADR entity and in such case providing the Commission with a copy of the decision or note of the outcome².
 - b any outcome adverse to the licensee of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.
 - c their becoming aware that a group company which is not a Commission licensee is advertising remote gambling facilities to those residing in a jurisdiction in or to which it has not previously advertised or their becoming aware of a sustained or meaningful generation of the 3% / 10% threshold being exceeded by the group.

In this condition:

- a 'group company' has the same meaning as in condition 15.2.1; and
- b without prejudice to section 327 of the Act, 'advertising' includes: having a home page directed towards a jurisdiction and written in, or in one of, that jurisdiction's official language(s), having arrangements enabling that jurisdiction's currency to be selected for gambling or the use of payment methods available only in that jurisdiction, and providing a specific customer service facility referable to that jurisdiction.

¹ Events required to be notified to the Commission by 15.2.1 or 15.2.2 may be reported securely online at the Commission's website through our eServices system www.gamblingcommission.gov.uk or by email to: key.events@gamblingcommission.gov.uk

² In respect of the referral of disputes to an ADR entity the licensee's attention is drawn to social responsibility code provision 6.

15.3 General and regulatory returns

Licence condition 15.3.1

General and regulatory returns

All operating licences

- 1 On request, licensees must provide the Commission with such information as the Commission may require about the use made of facilities provided in accordance with this licence, and the manner in which gambling authorised by this licence and the licensee's business in relation to that gambling are carried on, including in particular information about:
 - a the numbers of people making use of the facilities and the frequency of such use
 - b the range of gambling activities provided by the licensee and the numbers of staff employed in connection with them
 - c the licensee's policies in relation to, and experiences of, problem gambling.
- 2 In particular within 28 days of the end of each quarterly period or, for those only submitting annual returns, within 42 days of the end of each annual period, licensees must submit a Regulatory Return to the Commission containing such information as the Commission may from time to time require¹.

¹Regulatory returns can be submitted securely online at the Commission's website through our eServices system available at www.gamblingcommission.gov.uk

16 Responsible placement of digital adverts

16.1 Responsible placement of digital adverts

Licence condition 16.1.1

Responsible placement of digital adverts

All licences

1 Licences must:

- a** Ensure that they do not place digital advertisements on websites providing unauthorised access to copyrighted content;
- b** take all reasonable steps to ensure that third parties with whom they contract for the provision of any aspect of their business related to the licensed activities do not place digital advertisements on websites providing unauthorised access to copyrighted content; and
- c** ensure that the terms upon which they contract with such third parties enable them, subject to compliance with any dispute resolution provisions, to terminate the third party's contract promptly if, in the Licensee's reasonable opinion, the third party has been responsible for placing digital advertisements for the licensed activities on such websites.

Part III: Code of practice

Introduction

This is the Commission's principal code of practice, issued under section 24 of the Gambling Act 2005.

There are two types of code provisions in this document:

- social responsibility code provisions: compliance with these is a condition of licences; therefore any breach of them by an operator may lead the Commission to review the operator's licence with a view to suspension, revocation or the imposition of a financial penalty and would also expose the operator to the risk of prosecution; these provisions are set out in shaded boxes
- ordinary code provisions: these do not have the status of operator licence conditions but set out good practice. Operators may adopt alternative approaches to those set out in ordinary code provisions if they have actively taken account of the ordinary code provision and can demonstrate that an alternative approach is reasonable in the operator's particular circumstances; or that to take an alternative approach would be acting in a similarly effective manner. Ordinary codes of practice are admissible in evidence in criminal or civil proceedings and must be taken into account in any case in which the court or tribunal think them relevant, and by the Commission in the exercise of its functions; any departure from ordinary code provisions by an operator may be taken into account by the Commission on a licence review, but cannot lead to imposition of a financial penalty; these code provisions are in the unshaded boxes in this section.

Code provisions

1 General

1.1 Cooperation and responsibility for third parties

Ordinary Code Provision 1.1.1
Cooperation with the Commission
All licences

- 1 As made plain in its *Statement of principles for licensing and regulation*, the Commission expects licensees to conduct their gambling operations in a way that does not put the licensing objectives at risk, to work with the Commission in an open and cooperative way and to disclose anything which the Commission would reasonably need to be aware of in exercising its regulatory functions. This includes, in particular, anything that is likely to have a material impact on the licensee's business or on the licensee's ability to conduct licensed activities compliantly. Licensees should have this principle in mind in their approach to, and when considering their compliance with, their obligations under the conditions attached to their licence and in relation to the following provisions of this code.

Social responsibility code provision 1.1.2
Responsibility for third parties – all
licences All licences

- 1 Licensees are responsible for the actions of third parties with whom they contract for the provision of any aspect of the licensee's business related to the licensed activities.
- 2 Licensees must ensure that the terms on which they contract with such third parties:
 - a require the third party to conduct themselves in so far as they carry out activities on behalf of the licensee as if they were bound by the same licence conditions and subject to the same codes of practice as the licensee
 - b oblige the third party to provide such information to the licensee as they may reasonably require in order to enable the licensee to comply with their information reporting and other obligations to the Commission
 - c enable the licensee, subject to compliance with any dispute resolution provisions of such contract, to terminate the third party's contract promptly if, in the licensee's reasonable opinion, the third party is in breach of contract (including in particular terms included pursuant to this code provision) or has otherwise acted in a manner which is inconsistent with the licensing objectives, including for affiliates where they have breached a relevant advertising code of practice.

2 Financial requirements

2.1 Anti-money laundering

Ordinary code provision 2.1.2

Anti-money laundering – other than casino

All licences except casino licences

- 1 As part of their procedures for compliance with the requirements in respect to the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the Terrorism Act 2000, licensees should take into account the Commission's advice on the Proceeds of Crime Act 2002, *Duties and responsibilities under the Proceeds of Crime Act 2002 – Advice for operators (excluding casino operators)*.

3 Protection of children and other vulnerable persons

3.1 Combating problem gambling

Social responsibility code provision 3.1.1

Combating problem gambling

All licences

- 1 Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling including the specific policies and procedures required by the provisions of section 3 of this code.
- 2 Licensees must make an annual financial contribution to one or more organisation(s) which are approved by the Gambling Commission, and which between them deliver or support research into the prevention and treatment of gambling-related harms, harm prevention approaches and treatment for those harmed by gambling.

3.2 Access to gambling by children and young persons

Social responsibility code provision 3.2.5

Access to gambling by children and young persons – bingo and FEC SR code

All non-remote bingo and family entertainment centre licences

- 1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2 This must include procedures for:
 - a checking the age of apparently underage customers
 - b refusing entry to any adult-only areas to anyone unable to produce an acceptable form of identification
 - c taking action when there are unlawful attempts to enter the adult-only areas.
- 3 Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises.
- 4 Licensees must not permit children or young people to gamble in the adults-only areas of premises to which they have access. If there is a 'no under-18s' premises policy, licensees must pay particular attention to the procedures they use at the entrance to the premises to check customers' ages.
- 5 Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover:
 - a all relevant prohibitions against inviting children or young persons to gamble on age-restricted products or to enter age-restricted areas;
 - b the legal requirements on returning stakes and not paying prizes to underage customers; and
 - c procedures for challenging any adult who may be complicit in allowing a child or young person to gamble.
- 6 Licensees must only accept identification which:
 - a contains a photograph from which the individual can be identified
 - b states the individual's date of birth
 - c is valid
 - d is legible and has no visible signs of tampering or reproduction.
- 7 Licensees in fee category C or higher must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission.

Ordinary code provision 3.2.6

Access to gambling by children and young persons – bingo and FEC ordinary code All non-remote bingo and family entertainment centre licences

- 1** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including a provisional licence) with photocard; or a passport.
- 2** Licensees should require a person who appears to relevant staff to be under the age of 21 to be asked to produce proof of age, either at the point of entry to the gambling area or as soon as it comes to the attention of staff that they wish to access gambling facilities.
- 3** Licensees should have procedures for dealing with cases where an adult knowingly or recklessly allows a child or young person to gamble. These procedures might include refusing to allow the adult to continue to gamble, removing them from the premises, and reporting the incident to the police or local authorities, or taking action where forged identification is produced.
- 4** Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on their premises, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling to the child or young person concerned.
- 5** Where it is likely that customers' young or otherwise vulnerable children will be left unattended on or adjacent to their premises, licensees should consider reminding customers of their parental responsibilities and assess whether there is a need to develop procedures for minimising the risk to such children.
- 6** Licensees in fee categories A or B should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling (for example by taking part in a collective test purchasing programme) and should be able to explain to the Commission or licensing authority what approach they have adopted.
- 7** In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.

3.3 Gambling management tools and responsible gambling management information

Social responsibility code provision 3.3.1

Responsible gambling information

All licences, except gaming machine technical, gambling software, host, ancillary remote bingo, ancillary remote casino and remote betting (remote platform) licences

- 1 Licensees must make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling.
- 2 The information must cover:
 - a any measures provided by the licensee to help individuals monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend
 - b timers or other forms of reminders or 'reality checks' where available
 - c self-exclusion options
 - d information about the availability of further help or advice.
- 3 The information must be directed to all customers whether or not licensees also make available material which is directed specifically at customers who may be 'problem gamblers'.
- 4 For gambling premises, information must be available in all areas where gambling facilities are provided and adjacent to ATMs. Information must be displayed prominently using methods appropriate to the size and layout of the premises. These methods may include the use of posters, the provision of information on gambling products, or the use of screens or other facilities in the gambling premises. Information must also be available in a form that may be taken away and may also be made available through the use of links to be accessed online or using smart technology. Licensees must take all reasonable steps to ensure that this information is also readily accessible in locations which enable the customer to obtain it discreetly.

Ordinary code provision 3.3.2

Responsible gambling information – foreign languages

All licences, except gaming machine technical, gambling software, host, ancillary remote bingo and ancillary remote casino licences

- 1 Licensees who market their services in one or more foreign languages should make available in that, or those, foreign languages:
 - a the information on how to gamble responsibly and access to help referred to above
 - b the players' guides to any game, bet or lottery required to be made available to customers under provisions in this code
 - c the summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.

3.4 Customer interaction

Social responsibility code provision 3.4.1

Customer interaction

All licences, except non-remote lottery, gaming machine technical, gambling software and host licences

- 1 Licensees must interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling. This must include:**
 - a identifying customers who may be at risk of or experiencing harms associated with gambling.**
 - b interacting with customers who may be at risk of or experiencing harms associated with gambling.**
 - c understanding the impact of the interaction on the customer, and the effectiveness of the Licensee's actions and approach.**
- 2 Licensees must take into account the Commission's guidance on customer interaction.**

3.5 Self-exclusion

Social responsibility code provision 3.5.1

Self-exclusion – non-remote and trading rooms SR code

All non-remote licences (except lottery, gaming machine technical and gambling software licences) and remote betting intermediary (trading rooms only) licences

- 1 Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- 2 Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 3 Licensees must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group (or otherwise flag that person as an individual to whom marketing material must not be sent), within two days of receiving the completed self-exclusion notification.
- 4 This covers any marketing material relating to gambling, or other activities that take place on the premises where gambling may take place. However, it would not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.
- 5 Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.
- 6 Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:
 - a a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
 - b photo identification (except where the Licensee can reasonably satisfy themselves that in the circumstances in which they provide facilities for gambling an alternative means of identification is at least as effective) and a signature;
 - c staff training to ensure that staff are able to administer effectively the systems; and
 - d the removal of those persons found in the gambling area or attempting to gamble from the premises.
- 7 Licensees must ensure that their procedures for preventing access to gambling by self-excluded individuals take account of the structure and layout of the gambling premises.
- 8 Licensees must, when administering the self-exclusion agreement, signpost the individual to counselling and support services.

Ordinary code provision 3.5.2

Self-exclusion – non-remote ordinary code

All non-remote licences and remote betting intermediary (trading rooms only) licences, but not gaming machine technical and gambling software licences

- 1 Self-exclusion procedures should require individuals to take positive action in order to self-exclude. This can be a signature on a self-exclusion form.
- 2 Individuals should be able to self-exclude without having to enter gambling premises.
- 3 Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.
- 4 Licensees should take all reasonable steps to extend the self-exclusion to premises of the same type owned by the operator in the customer's local area. In setting the bounds of that area licensees may take into account the customer's address (if known to them), anything else known to them about the distance the customer ordinarily travels to gamble and any specific request the customer may make.
- 5 Licensees should encourage the customer to consider extending their self-exclusion to other licensees' gambling premises in the customer's local area.
- 6 Customers should be given the opportunity to discuss self-exclusion in private, where possible.
- 7 Licensees should take steps to ensure that:
 - a the minimum self-exclusion period offered is of a duration of not less than 6 nor more than 12 months
 - b any self-exclusion may, on request, be extended for one or more further periods of at least 6 months each
 - c a customer who has decided to enter a self-exclusion agreement is given the opportunity to do so immediately without any cooling-off period. However, if the customer wishes to consider the self-exclusion further (for example to discuss with problem gambling groups), the customer may return at a later date to enter into self-exclusion
 - d at the end of the period chosen by the customer, the self-exclusion remains in place for a further 6 months, unless the customer takes positive action in order to gamble again
 - e where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again during the 6 month period following the end of their initial self-exclusion, the customer is given one day to cool off before being allowed access to gambling facilities. The contact must be made via telephone or in person
 - f notwithstanding the expiry of the period of self-exclusion chosen by a customer, no marketing material should be sent to them unless and until they have asked for or agreed to accept such material.
- 8 The licensee should retain the records relating to a self-exclusion agreement at least for the length of the self-exclusion agreement plus a further 6 months.
- 9 Please note that the Commission does not require the licensee to carry out any particular assessment or make any judgement as to whether the previously self-excluded individual should again be permitted access to gambling. The requirement to take positive action in person or over the phone is purely to a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and b) implement the one day cooling-off period and explain why this has been put in place.
- 10 Licensees should have, and put into effect, policies and procedures which recognise, seek to guard against and otherwise address, the fact that some individuals who have self-excluded might attempt to breach their exclusion without entering a gambling premises, for example, by getting another to gamble on their behalf.

11 Licensees should have effective systems in place to inform all venue staff of self-excluded individuals who have recently attempted to breach a self-exclusion in that venue, and the licensees neighbouring venues.

12 In providing training to staff on their responsibilities for self-exclusion, licensees should have, as a minimum, policies for induction training and refresher training.

Social responsibility code provision 3.5.6

Self-exclusion – multi-operator non-remote SR code

All non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres

1 Licensees must offer customers with whom they enter into a self-exclusion agreement in respect of facilities for any kind of gambling offered by them at licensed gambling premises the ability to self-exclude from facilities for the same kind of gambling offered in their locality by any other holder of an operating licence to whom this provision applies, by participating in one or more available multi-operator self-exclusion schemes.

Ordinary code provision 3.5.7

Self-exclusion – multi-operator non-remote ordinary code

All non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres

1 Licensees should contribute to and participate in the development and effective implementation of multi-operator self-exclusions schemes with the aim of making available to customers the ability to self-exclude from facilities for gambling provided by other licensed operators within their local area(s).

3.6 Employment of children and young persons

Ordinary code provision 3.6.2

Employment of children and young people – bingo

All non-remote bingo licences

- 1 Licensees who employ children under (under-16-year-olds) and young persons (those aged 16 or 17) should be aware that it is an offence:
 - a to employ them to provide facilities for playing bingo;
 - b for their contracts of employment to require them, or for them to be permitted, to perform a function in connection with a gaming machine; and
 - c to employ a child to perform any function on premises where, and at time when, facilities are being provided for playing bingo.
- 2 As to **1b**, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
 - a children and young persons are never asked to perform tasks within 1a or 1b, above
 - b all staff, including those who are children and young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4 Licensees should consider adopting a policy that:
 - a children are not employed to work on bingo licensed premises at any time when the premises are open for business
 - b neither children nor young persons are in any event asked to work in areas where gaming machines are situated.

3.8 Money lending between customers

Ordinary code provision 3.8.2

Money-lending – other than casinos

All non-remote bingo, general betting, adult gaming centre, family entertainment centre and remote betting intermediary (trading rooms only) licences

- 1 Licensees should seek to prevent systematic or organised money lending between customers on their premises. As a minimum, they should have arrangements in place to ensure staff are requested to report any instances of substantial money lending when they become aware of them.

4 'Fair and open' provisions

4.1 Fair terms

Social responsibility code provision 4.1.1

Fair terms

All licences, except gaming machine technical and gambling software licences

- 1 Licensees must be able to provide evidence to the Commission, if required, showing how they satisfied themselves that their terms are not unfair.

4.2 Display of rules and supervision of games

Social responsibility code provision 4.2.2

Display of rules - bingo

All non-remote bingo licences

- 1 In complying with any condition on a bingo premises licence or a 2005 Act large casino premises licence requiring the display of rules about gaming, licensees must ensure that the following are included:
 - a rules about each variant of bingo made available; and
 - b rules about any prize gaming made available:

5 Marketing

5.1 Rewards and bonuses

Social responsibility code provision 5.1.1

Rewards and bonuses – SR code

All licences (including ancillary remote licences), except gaming machine technical and gambling software licences

- 1 If a licensee makes available to any customer or potential customer any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services or any other advantage (including the discharge in whole or in part of any liability of his) ('the benefit') the scheme must be designed to operate, and be operated, in such a way that:
 - a the circumstances in which, and conditions subject to which, the benefit is available are clearly set out and readily accessible to the customers to whom it is offered;
 - b neither the receipt nor the value or amount of the benefit is:
 - i dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency; or
 - ii altered or increased if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered.
 - c if the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases; and further that:
 - d if the benefit comprises free or subsidised travel or accommodation which facilitates the customer's attendance at particular licensed premises the terms on which it is offered are not directly related to the level of the customer's prospective gambling.

Social responsibility code provision 5.1.3

Alcoholic drinks

All non-remote bingo and casino licences

- 1 If licensees offer customers free or discounted alcoholic drinks for consumption on the premises they must do so on terms which do not in any way link the availability of such drinks to whether, or when, the customer begins, or continues, to gamble.
- 2 Licensees must not make unsolicited offers of free alcoholic drinks for immediate consumption by customers at a time when they are participating in gambling activities.

Social responsibility code provision 5.1.3

Alcoholic drinks

All non-remote bingo and casino licences

- 3 If licensees offer customers free or discounted alcoholic drinks for consumption on the premises they must do so on terms which do not in any way link the availability of such drinks to whether, or when, the customer begins, or continues, to gamble.
- 4 Licensees must not make unsolicited offers of free alcoholic drinks for immediate consumption by customers at a time when they are participating in gambling activities.

Social responsibility code provision 5.1.6

Compliance with advertising codes

All licences, except lottery licences

- 1 All marketing of gambling products and services must be undertaken in a socially responsible manner.
- 2 In particular, Licensees must comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) as applicable. For media not explicitly covered, licensees should have regard to the principles included in these codes of practice as if they were explicitly covered.
- 3 The restriction on allowing people who are, or seem to be, under 25 years old (ie: those in the 18-24 age bracket) to appear in marketing communications need not be applied in the case of non-remote point of sale advertising material, provided that the images used depict the sporting or other activity that may be gambled on and not the activity of gambling itself and do not breach any other aspect of the advertising codes.

Ordinary code provision 5.1.8

Compliance with industry advertising codes

All licences

- 1 Licensees should follow any relevant industry code on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.

Social responsibility code provision 5.1.9

Other marketing requirements

All licences

- 1 Licensees must ensure that their marketing communications, advertisement, and invitations to purchase (within the meaning of the Consumer Protection from Unfair Trading Regulations 2008) do not amount to or involve misleading actions or misleading omissions within the meaning of those Regulations.
- 2 Licensees must ensure that all significant conditions which apply to marketing incentives are provided transparently and prominently to consumers. Licensees must present the significant conditions at the point of sale for any promotion, and on any advertising in any medium for that marketing incentive except where, in relation to the latter, limitations of space make this impossible. In such a case, information about the significant conditions must be included to the extent that it is possible to do so, the advertising must clearly indicate that significant conditions apply and where the advertisement is online, the significant conditions must be displayed in full no further than one click away.
- 3 The terms and conditions of each marketing incentive must be made available for the full duration of the promotion.

Ordinary code provision 5.1.10

Online marketing in proximity to information on responsible gambling

All licences

- 1 Licensees should ensure that no advertising or other marketing information, whether relating to specific offers or to gambling generally, appears on any primary web page/screen, or micro site that provides advice or information on responsible gambling

Social Responsibility code provision 5.1.11

Direct electronic marketing consent

All licences

- 1 Unless expressly permitted by law consumers must not be contacted with direct electronic marketing without their informed and specific consent. Whenever a consumer is contacted the consumer must be provided with an opportunity to withdraw consent. If consent is withdrawn the licensee must, as soon as practicable, ensure the consumer is not contacted with electronic marketing thereafter unless the consumer consents again. Licensees must be able to provide evidence which establishes that consent.

6 Complaints and disputes

6.1 Complaints and disputes

Social responsibility code provision 6.1.1

Complaints and disputes

All licences (including ancillary remote licensees) except gaming machine technical and gambling software licences

- 1 Licensees must put into effect appropriate policies and procedures for accepting and handling customer complaints and disputes in a timely, fair, open and transparent manner.
- 2 Licensees must ensure that they have arrangements in place for customers to be able to refer any dispute to an ADR entity in a timely manner if not resolved to the customer's satisfaction by use of their complaints procedure within eight weeks of receiving the complaint, and where the customer cooperates with the complaints process in a timely manner.
- 3 The services of any such ADR entity must be free of charge to the customer.
- 4 Licensees must not use or introduce terms which restrict, or purport to restrict, the customer's right to bring proceedings against the licensee in any court of competent jurisdiction. Such terms may, however, provide for a resolution of a dispute agreed by the customer (arrived at with the assistance of the ADR entity) to be binding on both parties.
- 5 Licensees' complaints handling policies and procedures must include procedures to provide customers with clear and accessible information on how to make a complaint, the complaint procedures, timescales for responding, and escalation procedures.
- 6 Licensees must ensure that complaints policies and procedures are implemented effectively, kept under review and revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidance published by the Gambling Commission from time to time.
- 7 Licensees should keep records of customer complaints and disputes in such manner as the Commission may from time to time specify in advice or guidance. They must provide information to the Commission about customer complaints, disputes, the outcomes of disputes referred to ADR, and court proceedings adverse to the licensee, also in such manner as the Commission may from time to time specify.

In this Code, 'ADR entity' means

- a a person offering alternative dispute resolution services whose name appears on the list maintained by the Gambling Commission in accordance with The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015, and
- b whose name appears on the list of providers that meet the Gambling Commission's additional standards found in the document 'Alternative dispute resolution (ADR) in the gambling industry – standards and guidance for ADR providers'.

Both lists are on the Commission's website and will be updated from time to time.

7 Gambling licensees' staff

7.1 Gambling licensees' staff

Social responsibility code provision 7.1.2

Responsible gambling information for staff

All licences, including betting ancillary remote licences, but not other ancillary remote licences

- 1 Licensees must take all reasonable steps to ensure that staff involved in the provision of facilities for gambling are made aware of advice on socially responsible gambling and of where to get confidential advice should their gambling become hard to control.

8 Information requirements

8.1 Information requirements

Ordinary code provision 8.1.1

Information requirements – ordinary code

All licences

- 1 As stated earlier in this code, the Commission expects licensees to work with the Commission in an open and cooperative way and to inform the Commission of any matters that the Commission would reasonably need to be aware of in exercising its regulatory functions. These include in particular matters that will have a material impact on the licensee's business or on the licensee's ability to conduct licensed activities compliantly and consistently with the licensing objectives.
- 2 Thus, licensees should notify the Commission, or ensure that the Commission is notified, as soon as reasonably practicable and in such form and manner as the Commission may from time to time specify¹, of any matters which in their view could have a material impact on their business or affect compliance. The Commission would, in particular, expect to be notified of the occurrence of any of the following events in so far as not already notified in accordance with the conditions attached to the licensee's licence²:
 - a any material change in the licensee's structure or the operation of its business
 - b any material change in managerial responsibilities or governance arrangements
 - c any report from an internal or external auditor expressing, or giving rise to, concerns about material shortcomings in the management control or oversight of any aspect of the licensee's business related to the provision of gambling facilities.

¹ These matters can be reported securely online at the Commission's website through our eServices system

www.gamblingcommission.gov.uk

Alternatively, for operators unable to access this system, you can these events by email to:

key.events@gamblingcommission.gov.uk

² Events which **must** be reported, because the Commission considers them likely to have a material impact on the nature or structure of a licensee's business, are set out in general licence condition 15.2.1

9 Gaming machines in gambling premises

9.1 Gaming machines in gambling premises

Social responsibility code provision 9.1.2

Gaming machines in gambling premises – bingo

All non-remote bingo operating licences

- 1 Gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for non-remote bingo, provided in reliance on this licence, available in the premises.
- 2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.
- 3 Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities.

10 Assessing local risk

10.1 Assessing local risk

Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

- 1 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy¹.
- 2 Licensees must review (and update as necessary) their local risk assessments:
 - a to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c when applying for a variation of a premises licence; and
 - d in any case, undertake a local risk assessment when applying for a new premises licence.

¹This is the statement of licensing policy under the Gambling Act 2005.

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

making gambling fairer and safer

www.gamblingcommission.gov.uk



POWERS OF THE GAMBLING COMMISSION'S ENFORCEMENT OFFICERS & OTHER OFFICERS

STATEMENT

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice.

The Company acknowledges its obligation to ensure that staff co-operate with the Gambling Commission's Enforcement Officers in the proper performance of their compliance functions and that they are made aware of those officers' rights of entry to premises.

- The Company must provide the Gambling Commission with any information that they suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a license condition or a code of practice provision having the effect of a license condition. Changes in key circumstances must be reported within five days of their occurrence in accordance with the terms set out in the Operating License.
- The Company must provide the Gambling Commission with such information as the Commission may require from time to time about the use of facilities provided such as: -
 - the numbers of people making use of the facilities and the frequency of such use.
 - the range of gambling activities provided by the licensee and the number of staff employed in connection with them.
 - the licensee's policies in relation to, and experience of, problem gambling.
- The Appointed Manager will be informed immediately a Gambling Commission Enforcement Officer properly identifies himself on the premises, and will attend to the Officer without undue delay. Staff will co-operate at all times with the Commission's Enforcement Officers.
- Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.



RIGHTS OF GAMBLING COMMISSION ENFORCEMENT OFFICERS

- A constable, enforcement officer or authorised person under the Act may enter premises for the purpose of assessing compliance or assessing whether an offence is being committed.
- A constable or enforcement officer can enter a premises if he reasonably suspects that an offence may be being committed or is about to be committed.
- Entry may also be for the purpose of discovering whether facilities for gambling are being provided, to determine whether an operating license or premises license is held and to determine whether facilities are being provided in accordance with terms and conditions of an operating license.
- Entry may also be made to assess the likely effects of activity when application has been made for a premises license.
- The powers of the constable, enforcement officer or authorised person can include inspection of any part of the premises or any machine, anything on the premises, questioning any person, access to written or electronic records, remove or retain evidence of committing an offence or breach of terms and conditions.
- The power of inspection must be exercised only at a reasonable time.
- The enforcement officer or authorised person must provide evidence of his identify and authority.
- A constable, enforcement officer or authorised person may use reasonable force to enter a premise.
- It is an offence to obstruct a constable, enforcement officer or authorised person in carrying out their duties.

Please refer to the training section where you will find the Compliance Training document to be used for training purposes. Our online UPSKILL Training platform hosts Essential of Compliance & Social Responsibility workbook and online quiz to be completed every 6 months by all employees.



PROCEDURE

Visits by Gambling Commission Enforcement Officers may be pre-arranged or unannounced, however: -

In all circumstances the employee must ask for identification from the visitor to establish that they a Gambling Commission Enforcement Officer.

The Duty Manager must attend the Enforcement Officer without delay.

The visitor must also be requested to sign into the visitors log book.

Staff are to co-operate at all times with the Commission's Enforcement Officers in the proper performance of their compliance functions.

The Enforcement Officer may remove copies of documents as required.

Gambling Commission Sample ID



Front Of Card

Contains the Following:

1. Officers Name
2. Photo ID
3. Serial Number
4. Date of Issue
5. Gambling Commission Contact Details

EVIDENCE OF IDENTITY & AUTHORITY

Graham Burgin is designated, by the Gambling Commission, as an enforcement officer for the purposes of the Gambling Act 2005, and is authorised to exercise the relevant powers contained within this Act.

EUROPEAN CLASS 2A Jenny Williams, Chief Executive

Back of Card

Contains the following:

1. Evidence of the Officers Identity
2. Signature of the Gambling Commission Chief Executive



MONEY LAUNDERING, CASH HANDLING AND SUSPICIOUS TRANSACTIONS

1. Introduction

This policy has been implemented in order to comply with the Money Laundering Regulations 2007 that requires processes to be adopted to avoid the possibility of money laundering.

New obligations in respect of money laundering were imposed by the Proceeds of Crime Act 2002 (the "POCA") and the Money Laundering Regulations 2007 ("the Regulations"). This legislation broadens the definition of money laundering and increases the range of activities caught by the statutory control framework. As of 31st October 2016 new money laundering regulations come into force. The regulations are applicable to the Licence Conditions & Codes of Practice (LCCP). Whilst our venues/sector is considered "Low Risk", this does not mean that there is "no risk" within our trading sectors.

As a result of this legislation Cashino Gaming is required to establish procedures to prevent the use of its services and resources for money laundering. Anti-Money Laundering is effective within our business by taking a "risk based" approach.

2. Money Laundering Definition

Money laundering is a process by which the proceeds of crime are converted into assets which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises. This definition of money laundering means that potentially any employee could contravene the Regulations if they were to become aware of or suspect the existence of criminal property and continue to be involved in a matter which relates to that property without reporting their concerns. In arcades, both Adult Gaming Centre (AGC) and Family Entertainment Centre (FEC), this is typically stained or dyed notes and foreign coins. We should also be mindful of significant increases in customer spending habits which may be an indicator of criminal spend. In practice this is the most likely area of potential money laundering within our venues.

3. Policy

Cashino Gaming is committed to ensuring that all necessary safeguards are in place with regard to the receipt of money in order to avoid it being used to launder money that may originate from the proceeds of crime.

Cashino Gaming has appointed a designated Money Laundering Officer (MLO), Mrs. Amanda Kiernan.

Email: amandakiernan@praesepeplc.com



All relevant staff are trained on the requirements of the Regulations and told of the need to report any suspicious cash transactions. **All venues** need to report any suspicious cash transactions **of any** note denomination value, i.e. **one** stained/dyed note, and foreign coins to the value of **£50 during one machine empty or cash collection**. These incidents should be reported using the “(AML) ANTI MONEY LAUNDERING” app available on your IHL tablet. An automated alert will be sent to the Money Laundering Officer for the purpose of informing the relevant authorities.

4. Disclosure Procedure

Where it is suspected by a member of staff that money laundering activity is taking/has taken place, a disclosure must be made to the Money Laundering Officer as soon as possible. Because of the importance attached to the process, notification should normally take place immediately by telephone or, where that is not possible, by any other expedient means, including automated alerts of the “(AML) ANTI MONEY LAUNDERING” report available on your IHL tablet. Where there is suspicion of any type of potential money laundering incident CCTV images (if available and relevant) should be retained securely.

All incidents should be reported to your line Manager.

The Money Laundering Officer will maintain records of all notifications received detailing the method of verification used to identify the suspected person.

5. Cash Handling

Operating policies and procedures are in place with regard to accounting practices and record keeping in respect of: -

- Monetary stakes introduced to machines (gross takings where available)
- Money introduced to refloat machines
- Token transactions
- Customer refunds due to machine malfunctions
- Money removed from machines (net takings where available). Where gross takings and net takings information is not available the operation will provide an explanation to the Commission
- Ticket In Ticket Out (TITO) vouchers from machines in arcades can be used for money laundering. Vouchers can be cashed in at a later date and criminals will use a range of outlets to disguise the origin of funds

Members of staff, where appropriate, are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to the effect retaining a copy for their future reference. The original is retained on the employee’s personnel file.



KEEPING ALCOHOL OUT

At Cashino Gaming we have clear rules and guidelines on the consumption and influence of alcohol.

INDIVIDUALS UNDER THE INFLUENCE OF ALCOHOL ON ENTRY

In all our sites individuals who are deemed to be under the influence of excessive alcohol should be prevented from entering any of our premises.

Procedure

When such a situation occurs the member of staff should politely refuse entry to the site on the grounds of being under the influence of alcohol and ask the individual to leave the premises.

Should the individual resist or refrain from leaving the premises in the first instance a Manager or Duty Manager should be called. They should also request that the individual leave the premises immediately. If an individual fails to leave the premises or becomes a nuisance that cannot be dealt with by the staff on duty the police should be called to assist.

All incidents should be recorded fully on the premises log.

ALCOHOL CONSUMPTION ON SITE

Dependent upon which type of site you are on depends on the rules that need to be applied.

Bingo Clubs

Customers may purchase alcoholic drinks on site within the licensing regulations of the premises; however customers must not bring alcohol onsite to be consumed.

AGC's

Under no circumstances should customers be served alcoholic drinks on site, nor should they bring alcoholic drinks onto the premises to be consumed.

Betting

Under no circumstances should customers be served alcoholic drinks on site, nor should they bring alcoholic drinks onto the premises to be consumed.

Customers should be approached to either leave the premises or stop drinking on site.

EXCESSIVE CONSUMPTION

Procedure

For sites where alcohol may be purchased and a customer consumes to excess to the extent that their behaviour becomes inappropriate or disruptive they should in the first instance be prevented from consuming any more alcohol and should be requested to behave appropriately or be asked to leave the premises, usually by a duty manager.

Where the individual refuses to leave the premises then the police should be contacted for further assistance.



DEALING WITH AN AGGRESSIVE CUSTOMER

Both violence and aggression are used to show distress, to gain dominance, and sometimes to maintain stability. As such they can be termed 'normal' if not always socially acceptable.

WHAT CAUSES AGGRESSION AND VIOLENCE?

There are many reasons why someone may behave in an aggressive or violent manner towards an individual or object. Below are some of the reasons in different situations.

Platonic	Human beings tend to judge things they are familiar with as good and things not familiar as suspect.
Instinctive	The best defence is attack!
Learned Behaviour	Aggression is sometimes part of the behaviour we have learned from society.
Energy Source	Natural release of pent-up instinctual energy - a pressure relief valve. Many of the activities socially acceptable are high forms of controlled aggression. The career drive in some people may be explained as an attempt to express instinctual aggression drive, but in a way society accepts and rewards.
Frustration Response	When frustration in an individual reaches certain levels the only option open may be a display of aggression.

WHAT ARE SOME OF THE CAUSES OF VIOLENCE?

There are two aspects to consider:

Physical	Such as Brain Damage, Drug Abuse, Alcoholism, Sexual Abnormalities, Pain, Hunger, Sleep Deprivation, Environmental Changes (weather), Appearance, Illness, Defence of Territory of Possessions, Age
Psychological	Such as Fear, Frustration, Humiliation, Inappropriate Assertiveness, Pain, Vulnerability, Threats (Defence of self), Age, Illness (affective disorders, schizophrenia), Oppression.



IDENTIFYING AN AGGRESSIVE OR VIOLENT CUSTOMER

There are tell tale signs so the key thing is to observe customer discreetly whilst going about your duties. This way you will spot a change in demeanour or behaviour.

These are some of the signs that can help in predicting the likelihood of imminent violence:

- Muscles tensed?
- Facial expression?
- Balanced to move?
- Fingers or eyelids twitching?
- Pacing about?
- Withdrawn on approach?
- Voice - change of pitch/tone; insults; obscenities, threats?
- Sweating?
- Breathing - increase in respiration?
- Tears?
- Offensive weapon carried or available?

PROCEDURE

Quite simply whenever there is an incident you should: -

- H Hear the customer – listen to their complaint or issues.
- E Empathise – see to understand the problem.
- A Acknowledge – ‘I hear what you are saying’, ‘I’m sorry you feel that way’.
- T Take Action – progress with whatever action is relevant to the situation.

Here are some further techniques which can help when responding to a customer behaving aggressively or violently: -

- Be alert and consider if you need further assistance.
- Avoid eyeball to eyeball confrontation.
- Relieve the tension by adopting a calm approach.
- Speak and stand calmly but always remain balanced and ready to move - stay on person's weak side where possible.
- Consciously lower pitch and volume of voice.

- Speak clearly and slowly and don't stop talking because the other person doesn't answer.
- Try to get the person talking.
- Listen to what the person says and how it is said.
- Try to identify the source of concern and help if possible.
- Try to distract the person from the immediate cause of concern by changing the course of conversation - buy time to think, to plan, to obtain assistance.
- Understanding and kindness, simple human values which are often overlooked in today's society, can have a marked effect on the outcome of such cases.
- Do not argue! You really cannot win because the other person does not have to be logical. If you lose the argument and have to back off, your position is weakened. You may get so involved, if you do not carefully measure your own response, that you might, in the end, lose some of your own self-control.
- Do not give orders!
- Never make promises you cannot keep.
- Do not disagree where it is not necessary.
- Do not make threats that cannot be carried out or offer rewards for what started out as unlawful or improper conduct.
- Control your behaviour in body language, feelings and expression.
- In conversation with the person being confronted use expressions such as:
 - "I know you have a problem", "I know you are upset", "I believe you when you say something is wrong". Keep your voice at a calm, even pace.

These expressions will show that you have some affinity with the person and his/her position.

- Always consider if you need further assistance from a colleague, if the person becomes abusive in their language or behaviour they should be asked to leave immediately (remember to refund their stake money). If they refuse to leave then assistance from management or the police should be sought.



PREVENTING STAFF FROM BEING ABUSED

Under no circumstances should a member of staff put themselves at risk with an abusive customer. If the following of the guidelines above has failed in calming a customer or the customer refuses to leave the premises when asked a manager should be called. If the customer is still aggressive and still refuses to leave the premises then the police should be called.

At no time should a member of staff intervene physically in the removal of an individual from a site.

All incidents should be fully recorded on the incident reports log.

COMPLAINTS PROCEDURE

The Company's written complaints procedure is available as a separate leaflet. Cashino venues operate a 4 stage complaints procedure as below.

If you receive a visit from the Gambling Commission/Local Authority they may ask you who our **Alternative Dispute Resolution** (ADR) provider is so ensure you know the answer – see details below.





MARKETING AND PROMOTIONAL GUIDELINES

POLICY

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice.

COMPLIANCE

All advertising and marketing by the Company complies with standards set by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP).

We adopt the general principles that our advertising is:

- legal, decent, honest and truthful.
- prepared with a sense of responsibility to consumers and to society.
- respectful to the principles of fair competition generally accepted in business.
- not intended to bring advertising into disrepute.

Specifically we ensure that:

- advertising contains nothing that is likely to lead people to adopt styles of gambling that are unwise.
- advertisements and promotions are socially responsible and do not encourage excessive gambling.
- care is taken not to exploit the young, the immature or those who are mentally or socially vulnerable.
- advertisements are not directed at people under the age of 18 years through the selection of media, style of presentation, content or context in which they appear. No medium is used to advertise gambling if more than 20% of its audience is under 18 years old.
- persons shown gambling are not, nor do they appear to be, under 25 years of age.
- there is honesty at all times with regard to the chances of winning, the likelihood of a big win, and the odds or payout ratio that applies to the gambling on offer.
- advertising and promotional material carries a reference for the need to keep gambling under control.
- it is never suggested or implied that gambling is a means of getting out of financial difficulty.



MARKETING AND PROMOTION

Any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services or other advantage (including the discharge in whole or in part of any liability (the benefit)) the scheme is designed to operate, and be operated, in such a way that neither the receipt nor the value or amount of the benefit is: -

- a) dependent on or calculated by reference to the length of time for or the frequency with which the customer gambles or has at any time gambled.
- b) dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency.

If the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases. Incentives and rewards are proportional to the type and level of the customer's gambling.

Procedure

All Marketing and Promotions must be compliant.

All Marketing and Promotional activities must be approved by one of the following Managers relevant to the site.

For Bingo Sites

- Operations Director
- General Manager
- Marketing Manager

For AGC's

- Operations Director
- Marketing Manager

For Betting

- Operations Director
- Marketing Manager



ACCESS TO GAMBLING BY CHILDREN AND YOUNG PERSONS

POLICY

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. It is illegal for any person who is under 18 years of age to be permitted entry to any Licensed Premises.

PROCEDURE

- It is a matter of gross misconduct if a member of staff knowingly allows entry by any person who is under the age of 18 years to our Licensed Premises.
- Any person known to be under 18 years of age will be refused entry.
- Any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry or when it comes to the attention of staff. Members of staff are trained to 'think 25'.
- If the person admits to being under the age of 18, they are refused entry.
- Should they claim to be 18 or over and there is still doubt, satisfactory proof of age is requested and has to be provided before entry is allowed. If at any time there is suspicion of forged documents these incidents will be recorded and reported.
- Proof of age documents must contain a photograph from which the individual can be identified; state the individual's date of birth; be valid, and legible. It should bear no visible signs of tampering or reproduction. Acceptable forms of identification include those that carry the PASS logo (e.g. Citizen card, Validate and the Government's own Connexions card); a driving licence (including a provisional licence) with photograph, or a passport and military identification cards.
- Where there is still doubt and the person cannot produce proof of age, they are advised that they will not be permitted to enter until such time as they provide such proof.
- They will be shown, have explained to them, and be given a 'proof of age card' application form or offered an explanation on how to apply for a card.
- Should the person then refuse to leave, they are advised that the age restriction is a legal requirement.

- If they still will not leave, the Duty Manager is immediately contacted to take over the situation.
- Any attempts by under-18s to enter the premises or designated area(s) are brought to the attention of the Duty Manager immediately and recorded as an entry on a log retained on the premises. Details of entry to include date, time, identity of the individual if known - or detailed description if unknown – member of staff dealing, action taken, the outcome and measures put in place to prevent a re-occurrence. The Log is to be countersigned by the Duty Manager.
- Service is refused in all circumstances where any adult is accompanied by a child or young person.
- All gaming machines, other than category 'D' machines, are inscribed with a notice prohibiting play by persons under the age of 18 years.
- Stakes are returned to under-18s attempting to gamble in an adult-only environment, and under-18s are not allowed to retain any prize.
- Consideration will be given to permanently excluding from our Licensed Premises any adult who has previously and repeatedly attempted to gain entry when accompanied by a child or young person or, should entry have been gained, if the offence was committed knowingly or recklessly. Notwithstanding, that adult shall be required to stop gambling immediately and told to leave the premises.
- In instances where a child or young person repeatedly attempts to gamble on premises or in designated area(s) restricted to adults, or where repeated oral warnings have been issued, consideration will be given to reporting the matter immediately to the Gambling Commission and, where appropriate, police or local education welfare department.
- Consideration is to be given to reminding customers of their parental responsibilities and to assess whether there is a need to develop procedures for dealing with young or otherwise vulnerable children left unattended in the vicinity of our premises.
- Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy and accompanying log.



EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

POLICY

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice.

COMPLIANCE

It is an offence for children (under-16s) and young persons (those aged 16 and 17) to be engaged, or permitted to be engaged in: -

- Providing facilities for gambling.
- Performing any function (including cleaning) in connection with a gaming machine at any time.
- Carrying out any other function on the Licensed Premises, whether directly employed or not, whilst any gambling activity is being carried on in reliance on the premises licence. All relevant staff, including children and young persons, employed by this Company have been trained about the laws relating to access to gambling by children and young persons.

IT IS STRICT COMPANY POLICY THAT: -

- Children and young persons are not employed to carry out any work in an adult-only area of family entertainment licensed premises at a time when any gambling is taking place.
- Gaming machines sited in Licensed Premises are turned off if children and/or young persons are working on the premises outside the hours when the premises are open for business.
- Due diligence is given to verifying the age of all new members of staff where there is reason to doubt authenticity of birth dates supplied.



CUSTOMER INTERACTION

**REMEMBER reporting an Interaction is NOT the same as reporting an Incident.
An Interaction is a Gambling related issue with a customer.**

POLICY

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice listed under the Social responsibility code provision 3.4.1.

The Company makes use of all relevant sources of information to ensure effective customer interactions in particular, to identify at-risk customers who may not be displaying obvious signs of problem gambling.

If members of staff have concerns that a customer's behaviour may be related to having problems with gambling, the Duty Manager should be informed at the earliest available opportunity.

The Duty Manager is required to observe the individual and make a judgment as to whether it is appropriate to suggest to the customer that they might want to be provided with information regarding where they can seek professional advice about the nature of their gambling activity, or to discuss other options.

New Customer interaction – formal guidance was introduced by the Gambling Commission 31st October 2019. A copy is available to read in this section of your Compliance folder. Customer interaction consists of the following 3 parts;

PROCEDURE

PART 1; Identify and observation – behavior or activity you have spotted or something the customer tells you.

PART 2; Interact and take action - contact to prompt the customer to think about their gambling, for you to find out more, and an opportunity for you to offer information or support.

PART 3; Evaluate and record the outcome – what you or the customer did next. In some cases, you may need to monitor the customer's gambling to spot any change which may prompt further action.

The above 3 parts include the following;

- Behaviours may include intense mood swings, aggression, hysteria, remorse, excessive ATM use, time and money spent, damage to property, violence or the threat of violence to staff or other customers.

- The Duty Manager may give consideration to refusing service or barring the customer from the premises and, in extreme situations, contacting police for assistance. Whenever police are called to the premises for assistance in handling any incident, a log entry will be made whether police attend or not. [SmartINCIDENT app on IHL tablet]
- Staff are aware of where customers can be directed for confidential advice should they be approached by them for help. This includes the Staying in Control information leaflet which includes GamCare Helpline details.
- Members of staff are trained to deal with the process of self-exclusion if they consider a customer is at risk and/or where a customer requests self-exclusion information, this will be fully explained for consideration.
- All venue staff should be aware of those customers that are frequent visitors or deemed to be "high value" players. Monitoring and interaction will take place with every customer during every visit. It is this interaction that may lead the Duty Manager to intervene or take appropriate action, possibly via the Machine Administration Reconciliation System (MARS), which is able to monitor the spend of particular customer on specific machines, who may be deemed "high value", and therefore potentially more at risk. Appropriate action would then be taken on a player by player basis.
- If the customer refuses such information and continues to behave in a manner which could reasonably be considered to be disruptive or puts the staff or other customers in potential danger, the Duty Manager will implement the Company's procedures for dealing with antisocial situations.
- Notwithstanding any other action that may have to be taken immediately to prevent an incident from worsening, the Duty Manager will log all such reports which may result in customer interaction on an appropriate future occasion. The interaction will be conducted between the Duty Manager and the customer in a confidential and meaningful manner.
- Members of staff are trained as part of their 3 month induction process in the understanding of, and the strict adherence to this policy and accompanying logs.



SELF EXCLUSION

POLICY

Whilst most customers are able to enjoy and control their gambling, Cashino Gaming recognises its duty of care to those who cannot. Accordingly we provide a self – exclusion facility for those customers to request their exclusion for a fixed period of time, which is for a minimum of not less than 6 months, nor more than 12 months, with the customer, on request, having the option to extend one or more periods for a further 6 months each.

New regulations were implemented by the Gambling Commission and as from 6th April 2016, all gaming operators have to be part of a multi operator self-exclusion scheme, referred to as MOSES.

IF A CUSTOMER WISHES TO SELF-EXCLUDE IMMEDIATELY, WITHOUT MEETING WITH THE AREA MANAGER/DUTY MANAGER/SUPERVISOR OR WITHOUT A FURTHER VISIT TO OUR PREMISES, THEN THEIR DECISION MUST BE RESPECTED. THE DUTY MANAGER OR SUPERVISOR SHOULD ASSIST THE CUSTOMER IN THE COMPLETION OF A SELF EXCLUSION REQUEST IMMEDIATELY, SO THAT THE CUSTOMER NEED NOT MAKE A FURTHER VISIT TO THE GAMING PREMISES. PLEASE NOTE: YOU WILL NEED A WIFI CONNECTION IN ORDER TO ACCESS THE IHL HUB AND THE SmartEXCLUSION PAGE ON THE TABLET.

PROCEDURE – using the SmartEXCLUSION tablet

When a customer has requested that they be refused entry to our premises, the customer and the Area Manager/Duty Manager/Supervisor will formally acknowledge and document their request on the SmartEXCLUSION tablet, available at all Cashino venues. For further information please refer to the “SmartEXCLUSION User Guide” available at the venue.

Self-exclusion is sector specific:-

- **AGC LICENSED PREMISES** - 0.25km – 1km exclusion zone.
- **BINGO LICENSED PREMISES** – Traditional Bingo Clubs eg Beacon, Mecca and Gala plus High Street Bingo’s – National exclusion zone
- **Please Note: the staff member dealing with the self exclusion process should make the customer aware that if they self-exclude from a Cashino Venue with a Bingo Licence, they will be self excluded from ALL High Street Bingo’s and Traditional Bingo clubs in the UK.**
- Therefore you need to know what type of Premises Licence you hold at your venue. It will either be ADULT GAMING CENTRE PREMISES LICENCE (AGC) or BINGO PREMISES LICENCE. The tablet is set up to select your sector type by default, either AGC or BINGO. You will need to explain to ALL CUSTOMERS who wish to self-exclude, that it is sector specific and that they need to visit other establishments in your local area if they frequent premises operating Bingo, AGC, Licensed Betting Shops and Casinos licenses in order for them to self-exclude from ALL gambling premises.



The customer will be asked to assist us in applying the exclusion by allowing you to take an up-to-date photograph. The SmartEXCLUSION tablet has a built in web cam for this purpose. You will be prompted by the on-screen instructions when to take a photo of the customer during the self- exclusion process. **A photo is a mandatory requirement. The photo should be taken of head and shoulders only.**

The Area Manager/Duty Manager/Supervisor will confirm the customer's exclusion for a minimum period of not less than six months, nor more than 12 months.

The exclusion will apply to all Adult Gaming Centre (AGC) venues within a radius of 0.25km – 1 km, if your venue holds an AGC license and ALL Bingo licensed premises – Traditional and High Street if your premises hold a Bingo License.


It must be made clear to the customer that they may not revoke the self-exclusion during this time.


Once the customer has entered their electronic signature on the tablet and the self-exclusion is confirmed, the information will be retained on the tablet at the venue and electronic notification sent out to other similar licensed premises, nationally for Bingo licensed premises and within a 0.25km – 1km radius for AGC licensed premises.

A photo gallery is available to view for ease of identifying customers who have self-excluded in the local area and includes your venue within the selected radius. Milton Keynes Head Office will automatically be notified of all self-exclusions.


Please note on the photo gallery,

- Exclusions which are live have no coloured border.
- Exclusions which are in the 6 month 'cooling off' period have a **RED** border. These photos will remain on the tablet for 6 months. If the customer does not return to gambling within the 6 months period, photo will automatically disappear and be archived.
- Exclusions in the 24 hour 'cooling off period have a **BLUE** border. This will be visible for customers who have reinstated and wish to resume gambling and will disappear after the 24 hour period.

If a customer tries to enter gaming premises during a self-exclusion period, this is classed as a breach and details should be recorded on the tablet by selecting the customer photo and selecting the Report Breach button 

When the self-exclusion period ends, a customer has the option to return to gambling. **The customer should return to the venue where they originally self-excluded from to complete the re-instatement process on the tablet.** This button will be visible on the tablet only after the end date of the self-exclusion period .



If a customer wishes to extend their self-exclusion period for a further 6 months, they may do so by selecting the  button on the tablet.

PLEASE NOTE: For staff training purposes follow the instructions on the tablet and enter the following details on New Exclusion – Contact Details page:

First Name: dummy

Last Name: test

You **do not** need to take a photo of a person, just point the camera to the floor and take the photo. All test entries will automatically get archived once a week from the database.

As of 6th April 2016 you no longer need to add any self-exclusions **completed on the tablet** to 'LOG E – Self Exclusion' as the new SmartEXCLUSION tablet acts as the electronic log. (See details below for old style paper Self Exclusions).

PROCEDURE – using the old paper Self Exclusion Request Forms which have yet to expire

PLEASE NOTE: You will need to retain any previous paper copies of SELF EXCLUSION REQUEST FORMS on file, until such time they have expired and the 'END DATE' is reached. This could be up to 2020. **Do not throw them away as they are proof that a customer self-excluded prior to 6th APRIL 2016, when the regulations changed.** You will also need to retain the paper copy of the SELF EXCLUSION REVIEW FORM. This form will need to be completed if a customer wishes to return to our premises and resume gambling. **You will only need to use this form for paper copies of self-exclusions which are not on the tablet.**

PLEASE NOTE: For old style paper self-exclusions you have in your Compliance folder, which are still active, (see 'end date'), the Duty Manager or any other authorised person and the customer will review the request and record the process on a self-exclusion review form and attach this to the original self-exclusion request form. If the customer wishes to extend their self-exclusion, this will need to be completed on the tablet as a new entry for a minimum period of 6 months.

You will need to record on LOG E, any actions for old style paper Self Exclusion Request Forms you still have on file i.e. customer breach, customer review/resume gambling and 24 hour cooling off period.

If the customer does wish to continue gambling after the expiry of an exclusion period then a 24 hour cooling off period must be taken before gambling is resumed.

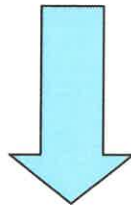
Paper self-exclusion request forms should be destroyed 6 months after the end date due to the data protection act.

PLEASE NOTE: Self-exclusion social responsibility code provision 3.5.1 is a condition of our Licence Conditions and Codes of Practice – (LCCP)



SELF EXCLUSION PROCEDURE FLOWCHART

CUSTOMER:	Requests to be excluded.
AREA MANAGER/DUTY MANAGER/SUPERVISOR:	Goes through the implications, for a minimum period of not less than six months, nor more than 12 months, with the customer, upon request, having the option to extend one or more periods for at least a further six months each. Advises the customer of the GamCare Self-Assessment test (on tablet) before self-excluding.
CUSTOMER AND AREA MANAGER/DUTY MANAGER/SUPERVISOR:	Completes the customer exclusion request using the SmartEXCLUSION tablet and follows the on screen instructions.
CUSTOMER:	Must allow a photograph to be taken using the built in webcam using the SmartEXCLUSION tablet.
AREA MANAGER/DUTY MANAGER/SUPERVISOR:	Explains to customer the exclusion is sector specific and applies to other similar operating premises in the locality within the default 0.25km – 1 km radius.
CUSTOMER:	Once customer has electronically signed and Duty Manager confirmed the self-exclusion on the SmartEXCLUSION tablet, the customer must now leave the site.

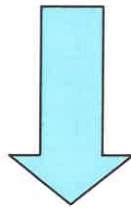




MANAGER:

Checks the SmartEXCLUSION tablet and photo gallery includes the customer in question. Informs Team Members and any regular relief staff. Make new starters aware if they start during the exclusion period.

MANAGER/DUTY STAFF



Must record a breach on the Smart EXCLUSION tablet when a customer who has elected to self-exclude themselves tries to enter the premises.

AFTER THE END OF THE EXCLUSION PERIOD:

Customers will be offered support and advice should they wish to resume gambling. They should return to the venue where they originally self-excluded from to complete the reinstatement process. If this is the case a 24 hour cooling off period is put in place. Information will also be provided on how to extend the self-exclusion period should they wish to do so.

See above instructions for old style paper self-exclusion request forms which have expired and reached the end date and the process to follow.

Full operating instructions for your SmartEXCLUSION tablet are available at all venues. Please refer to the SmartEXCLUSION User Guide available at your venue.

SOCIAL RESPONSIBILITY & CODES OF PRACTICE

PREMISES LOGS

The Log Book contains the following:

- NEW:** Venue Monthly Compliance Log Check Summary
- LOG A:** Attempts By Children And Young Persons To Access Adult Areas – (recorded electronically using Age Verification app on tablet as of 9th July 2018)
- LOG B: 1** Customer Interaction - Gambling Related “At Risk” Customers – (recorded electronically using the SmartINTERACTION app on tablet as of 8th April 2019)
- LOG B: 2** Customer Incidents – Not Gambling Related – (recorded electronically using SmartINCIDENTS app on tablet as of 1st October 2018)
- LOG C:** Customer Complaints and Disputes (paper Log)
- LOG D:** Customer Incidents Requiring Police Assistance – (recorded electronically using SmartINCIDENT app on tablet as of 1st October 2018)
- LOG E:** Self-Exclusion Log - to be used for old paper Self Exclusions Forms which are not on the tablet and retained in Compliance Folder
- LOG F:** Incidents Relating To Aggressive Customers and Alcohol – (recorded electronically using SmartINCIDENT app on tablet as of 1st October 2018)
- LOG G:** Staff Training Summary – paper log to be signed and dated every 6 months by all staff, when they complete “Essentials of Compliance” training module. Venue Managers to check the log is up to date at the end of the month and sign the Log Check Summary to verify the log is correct. **(this will remain as a paper Log and will not be on the tablet)**

NOTE: You can download and print these Premises Logs on Upskill > Knowledge Base > Categories > Cashino Compliance Folder Content

(Cashino Premises Logs – section 5 - Updated April 2019 – V1.6)

Venue Monthly: Compliance Log Check Summary

Venue Name		Month and Year	
Log	Description	Total No.	Comments
A	Attempts by children and young persons to enter venue [Age Verification app on tablet as of 9th July 2018]		
B 1	Customer Interactions related to Problem Gambling [SmartINTERACTION app on tablet as of 8th April 2019]		
B 2	Customer Incidents not related to Problem Gambling [SmartINCIDENT app on tablet as of 1st October 2018]		
C	Customer Complaints and Disputes [paper log]		
D	Customer Incidents Requiring Police Assistance [SmartINCIDENT app on tablet as of 1st October 2018]		
E	Paper Self-Exclusions , Attempts to enter, Attempts to Gamble [complete for any paper self- exclusion forms you have on file] further information on log sheet		
F	Incidents Relating to Aggressive Customers and Alcohol [SmartINCIDENT app on tablet as of 1st October 2018]		
G	Summary of Staff Training : Essentials of Compliance Only (EOC) [paper log to be completed & signed by ALL STAFF for EOC training]	N/A	NOTE: Please check at the end of each month training dates on Log G correspond with Upskill EOC dates

Document to be completed checked and signed monthly by Venue Manager or designated person at the end of each month.
Area Manager check and sign every 8 weeks.

Signed Venue Manager	Date	
Signed Area Manager	Date	Comments
Signed Auditor/Compliance Manager	Date	Comments

(Regulatory reports to the Gambling Commission are for the period 1st April to 31st March each year)



SITE ADDRESS and NUMBER :

Month/Year:.....

LOG C : CUSTOMER COMPLAINTS AND DISPUTES

Date	Time	Details of Incident	Outcome/Action Taken – Complaint Resolved?	Duty Manager



SITE ADDRESS and NUMBER :

Month/Year:.....

LOG E : SELF-EXCLUSION LOG

Name	DOB	Photo Yes	Start Date	Attempts to Enter Date(s)	Attempts to Gamble Date(s)	Preventative Measures	End Date	'Cooling Off'	Resumed Gambling Y/N

1. This form needs to be completed only for old paper self-exclusion requests forms you still have on file which have yet to reach the "End" date. This could be up to 5th April 2020!
2. If a customer wishes to return to gambling, a Self Exclusion Review Form (copy in Compliance folder) needs to be completed and signed by you and the customer. You also need to complete the last 2 columns on this form.
3. This form needs to be completed if a customer who is self-excluded on old paper request form enters & attempts to gamble in the venue. This would be classed as a "BREACH". Name of Customer and date/time and measures you took need to be recorded



SITE ADDRESS and NUMBER :

LOG G : SUMMARY OF STAFF TRAINING – Page 1
TO BE COMPLETED SIGNED AND DATED BY ALL EMPLOYEES EVERY 6 MONTHS FOR UPSKILL – ESSENTIALS OF COMPLIANCE TRAINING (EOC) AND QUIZ

Management and staff have declared that they have read and understood the following training documents and are fully aware of Company policy and procedures relating to them:

<ol style="list-style-type: none"> 1. Access to Gambling by Children and Young Persons 2. Access to Premises by the Gambling Commission’s Enforcement Officers 3. Advertising Standards and Marketing 4. Fair and Open Practice and Alternative Dispute Resolution/IBAS 5. Information on how to Gamble Responsibly and Help for Gamblers with problems 	<ol style="list-style-type: none"> 6. Money laundering and Proceeds of Crime Act 2002 7. Self-Exclusion 8. Customer Interaction for “At Risk” customers 9. Incidents relating to Aggressive Customers and Alcohol 10. Employment of Children and Young Persons
--	---

Name	Position in Company	Training Date EOC Quiz	Staff Signature	Next Training Date Due in 6 months	Leaving Date	1	2	3	4	5	6	7	8	9	10
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓



SITE ADDRESS and NUMBER :

LOG G : SUMMARY OF STAFF TRAINING – Page 2
TO BE COMPLETED SIGNED AND DATED BY ALL EMPLOYEES EVERY 6 MONTHS FOR UPSKILL – ESSENTIALS OF COMPLIANCE TRAINING (EOC) AND QUIZ

Name	Position in Company	Training Date EOC Quiz	Staff Signature	Next Training Date Due in 6 months	Leaving Date	1	2	3	4	5	6	7	8	9	10
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓



6.Compliance



Compliance Policy

Why:

The responsibility for an individual's gambling is their own. The responsibility to exercise a duty of care is that of the operator. Cashino Gaming recognises that for a very small minority of its customers gambling can become addictive which can lead to a range of problems for both individuals and their families. As a result of this we (the Company) believe that we have a social responsibility to act positively in relation to sensible gambling.

Best Result:

All employees are fully aware of the importance of following policy and processes in regards to compliance and social responsibility. The business is run in line with the license conditions and codes of practice at all times and all employees work together to ensure the 3 licensing objectives are met.

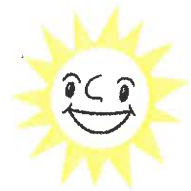
Worst Result:

Employees are not aware of the policy and processes in regards to compliance. The company is not operated in line with the 3 licensing objectives and the license conditions and codes of practice. The business is put at risk of its license being lost.

The 3 licensing objectives:

- **Keep crime out of gambling**
- **Ensure that gambling is conducted in a fair and open way**
- **Protect children by preventing their entry and vulnerable people from being harmed or exploited by gambling**





What:

- Employees must complete compliance training before being able to work with customers in any venue
- It is the responsibility of the venue manager to ensure that all employees are correctly trained and up to date with compliance training
- It is the responsibility of employees to check that they have completed all relevant compliance training on their inform people/upskill account regularly
- Employees must always follow the policies and processes in regards to compliance which are found in the Compliance and Social Responsibility folder

When:

- The policies and processes which form compliance and social responsibility apply at all times of operation.

Who:

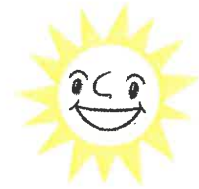
- All employees have a responsibility to ensure that the business is operated in a way which is compliant at all times.

Related / supporting documents:

- The compliance and social responsibility folder.

Order of who to contact if in need of help / advice:

- Venue Manager
- Area Manager
- Compliance Manager



Staff Guard / P.A. Policy / Static Alarm

Why:

The security of employees is of the upmost importance; therefore personal alarm systems and the staff guard system have been installed to help deter aggressive incidents and give employees a way of contacting help when required.

Best Result:

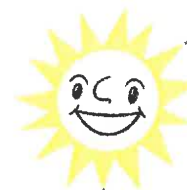
The staff guard and MPA fobs are carried by employees at all times as per policy. This increases the security of our employees and guests. Employees become more comfortable in their roles knowing they have methods of contacting assistance in emergency situations.

Worst Result:

The staff guard and MPA fobs are not carried by employees which reduces the safety of employees and guests. During events when emergency assistance is needed, it is not acquired.

What:

- Employees should always carry a mobile panic alarm (MPA) or staff guard fob on their person while at work. (ideally both should be carried)
- Activation of staff guard should be prioritised over using the MPA in circumstances which do not require immediate police attention.
- Staff guard should be tested at least once per week (Note: it is recommended to test the system during times of higher customer numbers, as it makes the customers aware that staff have a communication link to a security service)
- **Employees should not be hesitant to use staff guard** – This is a service which we pay for, there are no issues with false alarms or over usage. Use as often as necessary.
- Employees should be more thoughtful about using the MPA system, and should only activate it in times of imminent physical threat or robbery, or anything which police would usually be called for. This is a system which is linked directly to police. Inappropriate use of this device may lead to the venue losing the right to use it altogether.
- Staff guard and the MPA system should only be used if it is safe to do so – never endanger colleagues or customers during a situation arising when it would not be safe to active either system.
- For Static alarms ensure that the reset key is available at all times.



When:

- The staff guard unit should be tested once per week.
- The staff guard unit should be activated whenever staff are feeling uncomfortable or threatened.
- The MPA system should be used only when immediate police assistance is required

Who:

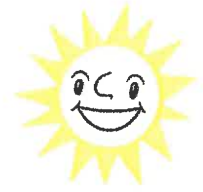
- The MPA unit and/or Staff guard fob should be carried by employees at all times.
- All venue employees should have access to these devices
- All venue employees should have received training on how to use these devices.

Related / supporting documents:

- N/A

Order of who to contact if in need of help / advice:

- Area Manager
- Commercial administrator
- For any technical issues regarding staff guard call: 01623 649013 (This is a 24hr line but it's best to call during normal business hours Out of hours, the number transfers straight to an engineer so he may be woken by the call Do not press the fob if you have maintenance issues – dial this number as directed)



How:

To Operate The Staff Guard Unit

1. Slide cover up on fob and press the red button – this dials Staff Guard.
2. A blue light will flash on the unit which shows that it's dialing.
3. The red light appears/will stay on continuously after a few seconds meaning the call has connected and someone is listening. They will not speak for the first 10 seconds.

IF YOU ARE IN IMMEDIATE DANGER SAY:

CALL THE MANAGER - This is our pass phrase that tells them to call for **IMMEDIATE POLICE ASSISTANCE**

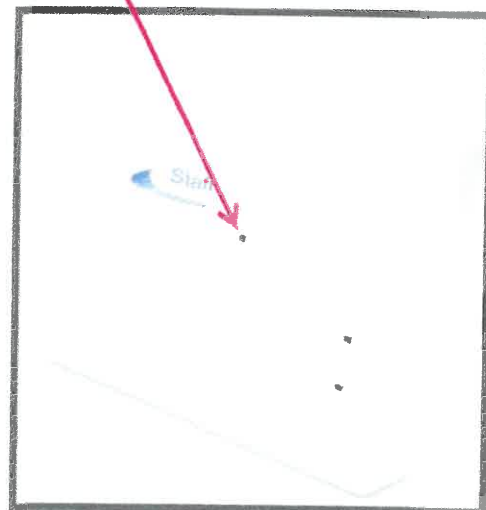
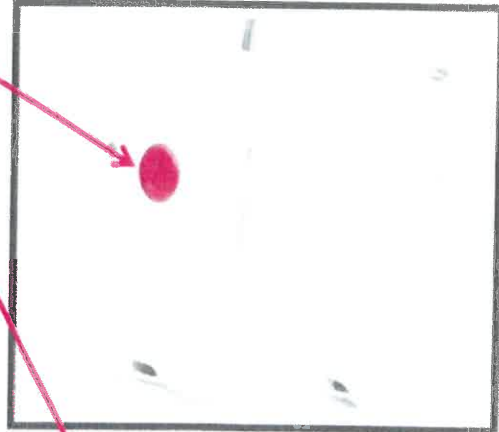
However, they will also call the police if they can hear that a crime is being committed, or anyone is in immediate threat.

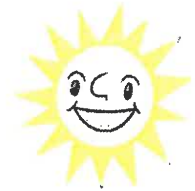
If you say: **"Stand By"**

They will stay online and listen to whatever is happening so you can use this as a safety measure if you feel a situation could escalate. Again, they will call the appropriate authorities if required.

They will say **"Standing by"** every few minutes to assure/remind you that they are still there.

Say: **"Stand down"** once you no longer need





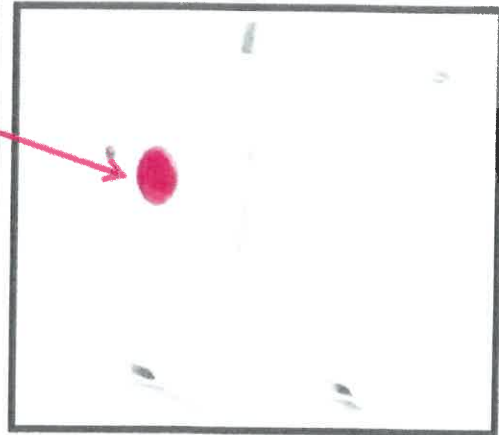
How To Make A Test Call:

Once per week a test call must be made:

1. Press the fob (red button) and wait for a response. Say, "Just a test call" and give the password when asked.

The password is your venue name and number.

2. They will confirm the test and end the call



Mobile Panic Alarms (MPA)

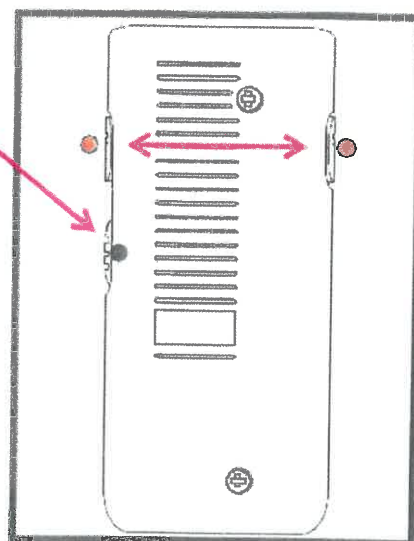
Mobile Panic Alarms are designed to offer staff the security of a personal attack alarm at all times whilst they are at work. The MPAs should be worn by staff members and key holders should be issued with one to keep with them at all times. MPAs are not to be taken off site and should not be taken home.

1. Slide the black button downwards to unlock the orange buttons

2. Press the two orange side buttons together

The panic alarm does not work if you press only one button

The black button should be kept in the locked position to prevent false activations





How It Works

The MPA transmits a signal to a receiver on site. This signal is then transmitted INSTANTLY to an alarm control centre who inform the local Police. The Police will aim to attend site in less than 5 minutes when a MPA is activated as this is given priority over a normal 999 call.

CAUTION – The transmitter range will be affected by the condition of the MPA aerial, always ensure your MPAs are in good condition. If the MPA is defective or damaged, contact the Commercial Administrator to arrange a repair/replacement straight away.

When To Use It

MPA's should only be used when there is the threat of serious injury to staff or customers.

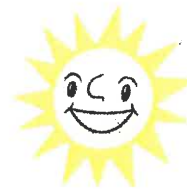
Example of when to use;

- ✚ Any physical violence is carried out towards a member of staff or customer;
- ✚ When the threat of physical violence is considered imminent; or
- ✚ The site is subject to a robbery.

At all other times ring the police directly. The number is displayed on the office notice board.

Problems

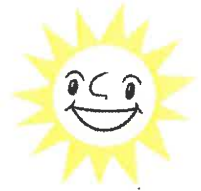
Any problems with the MPA should be addressed to your Line Manager or Area Manager who will inform the Commercial Administrator.



How To Test Your MPAs

1. Call your alarm supplier, a list of numbers is provided below.
2. Tell the alarm operative you want to test your MPAs, give them your site name (Cashino Gaming), site address and site password.
3. The alarm operative will then tell you that they have disconnected the signaling, at which point you will be asked to activate each MPA in turn.
4. For example; you will press MPA 1 when instructed to by the alarm operative and they will tell you if a signal has been received, you will then move on to MPA 2 and the alarm operative will tell you if a signal has been received, you will then move on to MPA 3 etc. etc.
5. You will do this until all of your MPAs have been tested.
6. After each individual MPA test, the alarm operative will tell you if the signal has been received or not. If not, your MPA is faulty and will need to be repaired or replaced. In this instance, please report it to the Commercial Administrator straight away.
7. You will need to log that you have carried out an MPA test on your MPA Test Record Sheet, which should be maintained in your Premises Log in your Compliance Folder.

Alarm Provider	Contact
ASG	0121 358 1524
ADT	0344 800 1999 option 5
LSG	TO BE INSERTED
METRO	0115 983 3801
GEM	0844 879 1703
ABEL	0844 800 3022



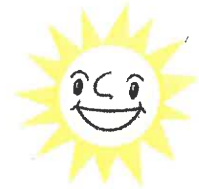
What To Do After Your MPA Test / Activation

When the MPA testing exercise has been completed the alarm company will reactivate the signaling and the police response will be reinstated.

You will then need to reset your alarm control panel.

If you have a fob operated system, press your fob against your keypad, as if you are going to set the system for closure. The keypad will ask you if you want to set the system. Press 'yes'. The system will start to arm, so immediately hold your fob up to the keypad once again to unset the system. Your system will now be reset.

If you have a code operated system, input your code, as if you are going to set the system for closure. The keypad will ask you if you want to set the system. Press 'yes'. The system will start to arm, so immediately input your code, as if you are opening and this will unset the system. Your system will now be reset.



CCTV Policy

Why:

CCTV is an essential tool to help prevent crime and capture those responsible for breaking the law. In a business where cash is being transferred continuously between customers, machines and employees, it is important for the safety of employees and customers that all areas of the venue area covered by CCTV at all times.

Best Result:

The CCTV system is only accessed by those with authority to do so. Camera angles are never changed without the correct authority. The security of the venue is increased

Worst Result:

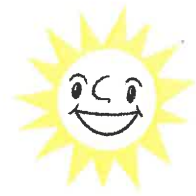
The CCTV is accessed by those who should have no access, data is lost. Cameras are moved without authorization causing a loss of coverage of key areas. The security of the venue is compromised

What:

- The CCTV system should be switched on and recording at all times.
- Any faults with the CCTV System should be communicated to your Area Manager immediately.
- CCTV should always cover: The front and rear exits, All machines, The offices and The GeWeTe
- The CCTV should be checked daily to ensure its working correctly and the time and date are all correct.
- Information in regards to the CCTV should never be disclosed to any 3rd parties.
- Placing and adjusting of the cameras should only be completed by the Area Manager or Operations Director (or another with authorisation from AM/OD)
- Records should be kept to show who has access to the CCTV password and username.
- Decorations should be not placed in areas which obscure the CCTV monitors
- The CCTV should be in a security cabinet
- The key to the Security Cabinet to be locked in the Key Cabinet

When:

- The CCTV should be checked daily to ensure correct function.



Who:

- The venue manager has responsibility for the CCTV system being checked and fully functional.

Order of who to contact if in need of help / advice:

- Area Manager.
- Commercial Administrator



Machine Fraud Policy

Why:

Machine fraud is a threat which is ever present. Employees should be aware of the ways in which fraud can take place and what to do in the event of spotting a “customer” defrauding a machine.

Best Result:

All employees are aware of the policy in regards to machine fraud and what to look out for. Machine fraud is reduced and the income for the business protected.

Worst Result:

Employees fail to identify fraud taking place resulting in loss of income. Further venues are targeted. The employees responsible may be subject to disciplinary processes.

What:

- The venue floor should never be left unattended.
- Employees should be thoughtful in regards to customers who they are not familiar with
- Employees should be given access to photos of known fraudsters by the manager
- Known fraudsters shall be asked to leave immediately upon entrance with no explanation needed to be given
- Following any machine being defrauded, at the earliest opportunity the duty manager must send an email to the security address with as much evidence and information as possible
- Employees are not to endanger themselves or customers at any time when dealing with a fraudster.

When:

Fraud may be taking place when

- Machines are being played with large amounts of credit. Normally people do not play with large credit in the machine (be aware that some customers may have won a jackpot and have that credit sitting in their balance)
- Machines going empty regularly or a large succession of tickets being collected.
- Suspicious activity – Large amounts of customers coming into the venue and dispersing or trying to distract employees.
- Customers with their hands over the coin mech, display or payout tray.
- Large amounts of coins (one pounds and ten pence coins) being separated into denominations in the payout tray.

- Customers leaving the venue with machines still having money left in the bank.

Who:

- All employees have a responsibility for protecting the business from machine fraud.
- The manager should provide employees with photos of known fraudsters
- The duty manager should inform the security email address following machine fraud taking place

Order of who to contact if in need of help / advice:

- Venue Manager
- Area Manager
- Income Protection.

How:

If you suspect that machine fraud is taking place either:

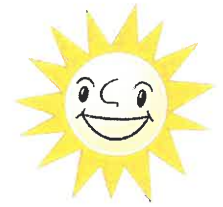
- Activate staff guard and ask the customer to leave the venue if you feel comfortable to do so

Or:

- Do not alert the suspect(s)
- Inform the duty manager who will telephone the police.
- Continue to watch the suspect(s) and try not to alert their attention that you have identified them

Following a fraud

1. Information should be gathered from the CCTV and stored on a memory stick.
2. This information should be provided by email to security@praespeplc.com as soon as possible to prevent another venue being targeted in the local area
3. The Area Manager should be contacted to inform them of the event.
4. Income protection should be informed.



Machine Ratio Check Policy

Why:

The quantity of B3 Machines which a venue is permitted to have is limited, in general to 20% of its total machines. Checks need to be completed to ensure that at all times every venue operates within its correct ratio.

Best Result:

The Machine Ratio Check policy is completed and the venue complies with legislation and operates within the legal ratio for B3 Machines

Worst Result:

The Machine Ratio Check policy is not completed and the venue operates more B3 machines than it is legally allowed.

What:

- MC105 should be completed
- Completed MC105 should be emailed to Incomeprotection@praesepeplc.com

When:

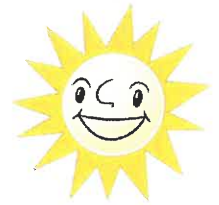
- After any Machine Move.
- When any Machine or Tablet is reported as out of order and not repaired on the next visit by the Service Engineer.

Who:

- The Duty Manager at the time of the move/removal.

Related / supporting documents:

- MC105 Machine Ratio Check Record.



Order of who to contact if in need of help / advice:

- Area Manager
- Income protection
- Gaming Machines.

How:


Complete the MC 105 Machine Ratio Check Record

Walk around the venue and complete all the relevant sections with the correct number of machines in the main area of the venue

Email Completed document

Complete all relevant sections with correct number of machines if the venue has a 2nd licensed area

MACHINE RATIO CHECK RECORD



Venue Name Venue No

Date of Move Week No

Name Signature

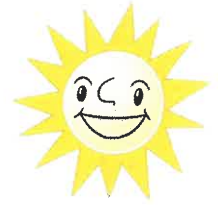
AREA 1 - MAIN	AREA 2 - SUB DIVISION
Total number of B3 Machines <input type="text"/>	Total number of B3 Machines <input type="text"/>
Total number of Cat C Machines <input type="text"/>	Total number of Cat C Machines <input type="text"/>
Total number of Cat D Machines <input type="text"/>	Total No of Cat C Tablets <input type="text"/>
Total No of Cat C/D Tablets <input type="text"/>	Total No of Cat C/D Tablets <input type="text"/>
Total No of Twin player Infills (count as 2 machines) <input type="text"/>	Total No of Twin player Infills (count as 2 machines) <input type="text"/>
(do not include any Class 2) Total <input type="text" value="0"/> a	(do not include any Class Total <input type="text" value="0"/> a
Total number of B3 allowed legal ratio - (a) divided by 5 <input type="text" value="4"/> b	Total number of B3 allowed legal ratio - (a) divided by <input type="text" value="4"/> b
Total number of B3 Machines (b) actual count <input type="text"/> c	Total number of B3 Machines (b) actual count <input type="text"/> c
Total number of actual B3 (c) must not exceed number allowed	Total number of actual B3 (c) must not exceed number allowed

This form must be emailed to IncomeProtection@praesepeplc.com

If your B3 actual total exceeds the allowed legal ratio you must contact your Area Manager immediately and email this form to gamingmachines@praesepeplc.com

Confirm action taken:

MC105-V1



Smoking / Vaping Policy

Why:

The smoke free laws passed on 1st July 2007 prevent smoking in work places and other public places. Therefore to remain compliant with the law smoking should only be permitted in designated areas for employees and customers alike.

Best Result:

All employees and customers observe the smoke free policy and only smoke in areas in which smoking is permitted. We are compliant with the law.

Worst Result:

Employees and customers do not observe the smoking policy, the customer experience is negatively affected and we are not compliant with the law. Employees found smoking inside the premises may face disciplinary action.

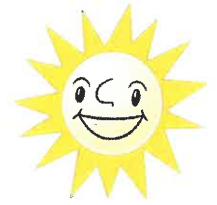
What:

- Smoking is strictly prohibited within venues
- Customers should not be allowed to smoke inside doorways or toilets
- Where possible there should always be a place to dispose of finished cigarettes
- Should the venue have no smoking area at the back of the venue, there should be steps taken to keep the front of the venue looking presentable at all times
- Vaping is allowed within our venues however these devices should not produce excess vapour
- Employees are not permitted to vape while on shift and therefore must take designated breaks to vape as smokers do. Employees must not vape in the venue.
- Employees who smoke / vape must cover their uniform while smoking and when possible smoke separately from customers
- No smoking signs should be clearly displayed

When:

- It is illegal for anyone to smoke inside the premises at any time.
- This policy is applicable at all times.





Who:

- This policy relates to both employees and customers.
- All employees are responsible for ensuring that this policy is followed at all times.

Order of who to contact if in need of help / advice:

- Venue manager
- Area manager
- Customer service manager



SMOKEFREE