



Licensing Sub-Committee

Committee

Fri 11 May
2018
2.15 pm

Committee Room 3
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

If you have any queries on this Agenda please contact
Sarah Sellers
Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 ext 2884
e.mail: sarah.sellers@bromsgroveandredditch.gov.uk

COMMITTEE PROTOCOL – LICENSING SUB-COMMITTEE – GAMBLING ACT APPLICATIONS

Each application that comes before this Sub-Committee will be treated on its own merits. This licensing authority will make its decision based on the merits of the application and the three licensing objectives, 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, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

and will also have regard to the Guidance issued by the Gambling Commission and the Redditch Borough Council Statement of Principles published in accordance with section 349 of the Gambling Act 2005.

Members of the Sub-Committee will meet prior to the hearing to note matters to be presented, assisted by the legal and administrative support Officers only. The actual application will not be discussed.

LICENSING HEARING PROCEDURE

The Hearing

Preliminary Issues

1. The Sub-Committee may proceed in the absence of a party (or representative) if the party has:
 - Informed the Sub-Committee that he or she does not intend to attend or be represented at a hearing; or
 - Failed to inform the Sub-Committee whether he or she intends to attend; or
 - Left the hearing in circumstances enabling the Sub-Committee to reasonably conclude that he or she does not intend to participate further.
2. If a party, who has indicated that he or she intends to attend, fails to attend or be represented at a hearing the Sub-Committee may:
 - Where it considers it to be necessary in the public interest; adjourn the hearing to a specified date and notify the parties of the date, time and place to which the hearing has been adjourned; or hold the hearing in the party's absence.
3. Where the Sub-Committee holds a hearing in the absence of a party, it will consider at the hearing the application, representations or notice made by that party.
4. The Sub-Committee will not take into account any written comments or documentary evidence from a party which is first produced at the hearing, without the consent of all parties in attendance at the hearing.
5. Cross-examination shall not be permitted unless the Committee considers that it is required to enable it to consider the representations, application or notice as the case may require.

6. At all times it will be a matter for the Chair as to the precise format and order of events.
7. The hearing of the Sub-Committee must take place in public, however a Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all the circumstances of the case, having regard to-
 - Any unfairness to a party that is likely to result from a hearing in public; and
 - The need to protect as far as possible, the commercial or other legitimate interests of a party.

Procedure

8. The Chair will open the meeting, outlining the nature of the decision to be taken, and will identify the members of the Sub-Committee and Council Officers present.
9. The Chair will then ask all parties present for that agenda item to introduce themselves.
10. The Chair will give a brief outline of the procedure to be followed at the hearing.
11. The Technical Officer, Licensing, Worcestershire Regulatory Services will present the report, outlining any relevant representations and relevancies to the Redditch Borough Council Statement of Principles and associated Guidance issued by the Gambling Commission and other statutory provisions where relevant.
12. The Technical Officer may be questioned by members of the Sub-Committee and any party on any matter that is relevant to the application or to any representations made on the application where the Sub-Committee considers that in all the circumstances it is appropriate to do so.

(Similar rights of questioning will apply, with the Sub-Committee's permission, in relation to paragraphs 13, 15, 17 and 19 below.)

13. The Applicant and / or his / her representative will speak in support of the application.
14. The Applicant and / or his / her representative may be questioned by members of the Sub-Committee.
15. Any witnesses called by the applicant will then make representations to the Sub-Committee.

(Similar rights will apply in relation to witnesses called by other parties.)
16. The witnesses may be questioned by members of the Sub-Committee.
17. Any officers of the responsible authorities or their representative(s) will be invited to make relevant representations to the Sub-Committee.
18. The responsible authorities and / or their representative(s) may be questioned by members of the Sub-Committee.
19. Any interested parties who have made representations in accordance with the statutory procedure will be invited to outline their relevant representations to the Sub-Committee.

20. The interested parties may be questioned by members of the Sub-Committee.
21. The Technical Officer will be invited to make a closing statement.
22. Each responsible authority who submitted a relevant representation will be invited to sum up.
23. Any Interested parties who have made representations will be invited to sum up.
24. The Applicant and / or his / her representative will be invited to sum up
25. The Chair will ask the Legal Advisor if there is any legal advice to be given.
26. At the conclusion of the hearing members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private.
27. The Chair may depart from the above procedure if he / she considers it is in the interests of natural justice to do so, either of his / her own volition or upon application by any party. Before doing so he / she shall invite the views of the parties present and consider any representations that may be made.

Decision

28. The Sub-Committee's decision will not be announced on the day of the hearing but rather, it will be sent to the Applicant and all those parties who made representations within 5 working days.

Notes

1. *Any changes in Sub-Committee membership will be given at the beginning of the meeting.*
2. *Each party will be limited to a maximum time of ten minutes in which to make representations to the Sub-Committee. This period may be extended at the discretion of the Chair. If an extension is agreed, all parties are to be allowed the same time to make representations. Where appropriate, if several parties wish to make the same representation, a spokesperson may, by consent, be appointed, in which case the spokesperson is to be allowed the same period of time as other representatives. If a spokesperson is not appointed, the amount of time must be shared between the persons wishing to make the same representation.*
3. *Any person wishing to make representations and Applicants / Licence Holders can be represented by a legal representative (at their own expense) or by a Councillor.*
4. *The Sub-Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing and may:*
 - *refuse to permit that person to return; or*
 - *permit that person to return only on such conditions as the Sub-Committee specify,**but such person may, before the end of the hearing, submit in writing any such information which they would have given orally had they not been required to leave.*
5. *Decisions will generally be taken regardless of whether the applicant is present.*
6. *The Sub-Committee will make its decision within 5 working days beginning with the day or the last day on which the hearing was held, and will inform the applicant as soon as is practicable thereafter of its decision.*
7. *Applicants have a right to appeal, details of which can be obtained via the Licensing Officer.*
8. *It is not the general policy of the Council to enter into discussions or correspondence on matters relating to the hearing or any decision made at the hearing.*
9. *Any irregularity resulting from any failure to comply with any provision of the relevant Regulations before the Sub-Committee has made a determination shall not of itself render the proceedings void. In the case of such irregularity, the Sub-Committee shall, if it considers that any person may have been prejudiced as a result of such irregularity, take such steps as it thinks fit to cure the irregularity prior to determination.*
10. *Clerical errors in any document recording a determination of the Sub-Committee or errors arising in such document from accidental slip or omission may be corrected by the Sub-Committee.*
11. *Parties are not normally permitted to cross-examine or question other parties at Licensing Sub-Committee hearings except with the permission of the Sub-Committee. It is important that questions should not be hostile or seek to unfairly undermine the position of any party.*
12. *In the event of any conflict between this procedure and the relevant regulations, namely The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premised Licences and Provisional Statements) (England & Wales) Regulations 2007, then the Regulations will prevail.*



Licensing Sub-Committee

Friday, 11th May, 2018

1.00 pm

Committee Room 3 Town Hall

Agenda

Membership:

Cllrs: Tom Baker-Price Anita Clayton
Pat Witherspoon
Antonia Pulsford (Reserve)

1. Election of Chair

To elect a Councillor from the Sub-Committee to act as Chair for the meeting.

2. Chair's Welcome

3. Apologies

4. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interest they may have in items on the agenda, and to confirm the nature of those interests.

5. Application for an Adult Gaming Centre Premises Licence - 8/10 Unicorn Hill, Redditch, Worcestershire, B97 4QR (Pages 1 - 114)

6. Exclusion of the Public and Press

Should it be necessary, in the opinion of the Borough Director, during the course of the meeting to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged, it may be necessary to move the following resolution:

“That, under S.100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act”.

These paragraphs are as follows:

Subject to the “public interest” test, information relating to:

- Para 1 – any individual;
- Para 2 – the identity of any individual;
- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;

Licensing Committee

Sub-

Friday, 11th May, 2018

- Para 5 – legal professional privilege;
- Para 6 – a notice, order or direction;
- Para 7 – the prevention, investigation or prosecution of crime;

and may need to be considered as 'exempt'.

REDDITCH BOROUGH COUNCIL**LICENSING SUB-COMMITTEE****11TH MAY 2018****GAMBLING ACT 2005****APPLICATION FOR THE GRANT OF
ADULT GAMING CENTRE PREMISES LICENCE**

PUBLIC HEARING															
Director:	Head of Worcestershire Regulatory Services														
Contact Officer:	Dave Etheridge Senior Practitioner (Licensing) 01905 822799 enquiries@worcsregservices.gov.uk														
Ward(s) affected:	Abbey														
Appendices:	<table> <tbody> <tr> <td>Appendix 1</td> <td>Application Form and Plan</td> </tr> <tr> <td>Appendix 2</td> <td>Local Risk Assessment</td> </tr> <tr> <td>Appendix 3</td> <td>Representation from Interested Party</td> </tr> <tr> <td>Appendix 4</td> <td>Statement of Principles</td> </tr> <tr> <td>Appendix 5</td> <td>Conditions and Codes of Practise</td> </tr> <tr> <td>Appendix 6</td> <td>Extract from Gambling Commission Guidance to Licensing Authorities</td> </tr> <tr> <td>Appendix 7</td> <td>Mandatory Conditions</td> </tr> </tbody> </table>	Appendix 1	Application Form and Plan	Appendix 2	Local Risk Assessment	Appendix 3	Representation from Interested Party	Appendix 4	Statement of Principles	Appendix 5	Conditions and Codes of Practise	Appendix 6	Extract from Gambling Commission Guidance to Licensing Authorities	Appendix 7	Mandatory Conditions
Appendix 1	Application Form and Plan														
Appendix 2	Local Risk Assessment														
Appendix 3	Representation from Interested Party														
Appendix 4	Statement of Principles														
Appendix 5	Conditions and Codes of Practise														
Appendix 6	Extract from Gambling Commission Guidance to Licensing Authorities														
Appendix 7	Mandatory Conditions														

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for grant of an adult gaming centre premises licence in respect of –

**8-10 Unicorn Hill
Redditch
Worcestershire
B97 4QU**

A copy of the application form and the accompanying plan is attached at **Appendix 1**.

2. BACKGROUND

2.1 On 9 February 2018 an application was received from Ladbrokes Betting and Gaming Ltd for the grant of an adult gaming centre premises licence in respect of –

8-10 Unicorn Hill
Redditch
Worcestershire
B97 4QU

2.2 An adult gaming centre premises licence entitles the holder to make gaming machines available for use within an adult gaming centre. The holder of an adult gaming centre premises licence can make available gaming machines from categories B3, B4, C and D.

2.3 A maximum of 20% of the total number of gaming machines made available for use on the premises can be from categories B3 or B4. There is no limit on the number of category C or D machines that can be made available under an adult gaming centre premises licence.

2.4 Under section 47 (5) of the Gambling Act 2005, it is an offence to invite or permit a child or young person to enter an adult gaming centre.

2.5 The application contained all the requisite documentation including the application fee and a plan of the premises.

2.6 It can be confirmed that the application has been advertised in accordance with the requirements of the Gambling Act 2005 and associated regulations and that notice of the application has also been served on all responsible authorities.

2.7 The application was also accompanied by a copy of the applicant's local risk assessment for this premises. A copy of the risk assessment can be seen at **Appendix 2**.

- 2.8 Ladbrokes Betting and Gaming Ltd hold the relevant operating licence issued by the Gambling Commission that entitles them to make gaming machines available for use in adult gaming centres.

3. REPRESENTATIONS

Responsible Authorities

- 3.1 No representations have been received from any of the responsible authorities identified in the Gambling Act 2005 and associated regulations.

Interested Parties

- 3.2 A representation has been received from an interested party. The interested party is Power Leisure Bookmakers Limited, who hold a betting premises licence at 1 – 2 Market Place, Redditch, B98 8AA.
- 3.3 The representation was submitted on Power Leisure Bookmakers Limited's behalf by Poppleston Allen solicitors.
- 3.4 The representation raises concerns about the following licensing objectives:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 3.5 A copy of the representation received can be seen at **Appendix 3**.

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Statement of Principles published in accordance with section 349 of the Gambling Act 2005.
- 4.2 A copy of the Council's Statement of Principles can be seen at **Appendix 4**.

5. LEGAL IMPLICATIONS

- 5.1 Section 153 of the Gambling Act 2005, provides that in determining applications the licensing authority shall aim to permit the use of the premises for gambling in so far as it thinks it is—
- (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- 5.2 With reference to (a) in paragraph 5.1 above, a copy of the Gambling Commission's sector specific Conditions and Codes of Practice applicable to Adult Gaming Centres and Family Entertainment Centres can be seen at **Appendix 5**.
- 5.3 With reference to (b) in paragraph 5.1, the latest version of the Gambling Commission's Guidance to Licensing Authorities is available on line at :- <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
- Parts 1 (General), 9 (Premises licence conditions) and 21 (Adult Gaming Centres) have been reproduced at **Appendix 6**.
- 5.4 With reference to (c) in paragraph 5.1 above, section 1 of the Gambling Act 2005 sets out the three licensing objectives, which are:
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - (b) ensuring that gambling is conducted in a fair and open way, and
 - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.5 With reference to (d) in paragraph 5.1 above, a copy of the Council's Statement of Principles, published in accordance with section 349 of the Gambling Act 2005 can be seen at **Appendix 4**.

- 5.6 Section 153(2) of the Act states that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- 5.7 On considering an application for a premises licence (whether at a hearing or not) a licensing authority shall –
- (a) Grant it, or
 - (b) Reject it.
- 5.8 If the licensing authority issues an adult gaming centre premises licence, this will be subject to the mandatory conditions applicable to such premises licences, as prescribed under section 167 of the Act. A copy of the mandatory conditions applicable to adult gaming centres can be seen at **Appendix 7**.
- 5.9 Further to the mandatory conditions, where a licensing authority issue a premises licence they may –
- (a) attach a condition to the licence
 - (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 of the Act (default conditions)
- 5.10 There are however no default conditions prescribed under section 168 of the Act in relation to adult gaming centre premises licences.
- 5.11 Where a licensing authority grants or reject an application for a premises licence, they shall as soon as is reasonably practicable give notice to –
- The applicant
 - The Gambling Commission
 - Any person who made representations about the application
 - The Chief Officer of Police for the area
 - Her Majesty's Commissioners of Customs and Excise
- 5.12 If the application is granted, this notice –
- (a) must be in the prescribed form,
 - (b) if the licensing authority have attached a condition to the licence under section 169(1)(a) or excluded under section 169(1)(b) a condition that

would otherwise have attached by virtue of section 168, must give the authority's reasons, and

- (c) if representations were made about the application under section 161, must give the authority's response to the representations.

5.13 If the application is rejected, this notice –

- (a) must be in the prescribed form, and
- (b) must give the authority's reasons for rejecting the application.

5.14 Where a licensing authority rejects an application for a premises licence, the applicant may appeal.

5.15 Where a licensing authority grant an application for a premises licence, either of the following may appeal –

- (a) a person who made representations in relation to the application
- (b) the applicant

5.16 Appeals must be instituted in the Magistrates Court for the area within 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.

6. FOR DECISION

6.1 The Sub-Committee must consider and determine the application.

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: Ladbrokes Betting & Gaming Limited

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

One Stratford Place

Montfichet Road

London

Postcode: E20 1EJ

8(a) The number of the applicant's operating licence (as given in the operating licence):

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made: 18.01.2018

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): TBC

11. Address of the premises (or, if none, give a description of the premises and their location):

8/10 Unicorn Hill

Redditch

Worcestershire

Postcode: B97 4QR

12. Telephone number at premises (if known): N/A

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground floor shop unit within a 3 storey building located in a parade of shops.

14(a) Are the premises situated in more than one licensing authority area?

No *[delete as appropriate]*

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? No *[delete as appropriate]* *[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]*

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): TBC (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? No *[delete as appropriate]*

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes *[delete as appropriate]*

19(b). If the answer to question 19(a) is yes, please provide full details:

Please see attached list

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature: _____

Print Name: Gavin Dalzell

Date: 09/02/2018 (dd/mm/yyyy) Capacity: Ladbrokes Coral National Licensing Manager

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature: _____

Print Name: _____

Date: _____ (dd/mm/yyyy) Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Gavin Dalzell

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

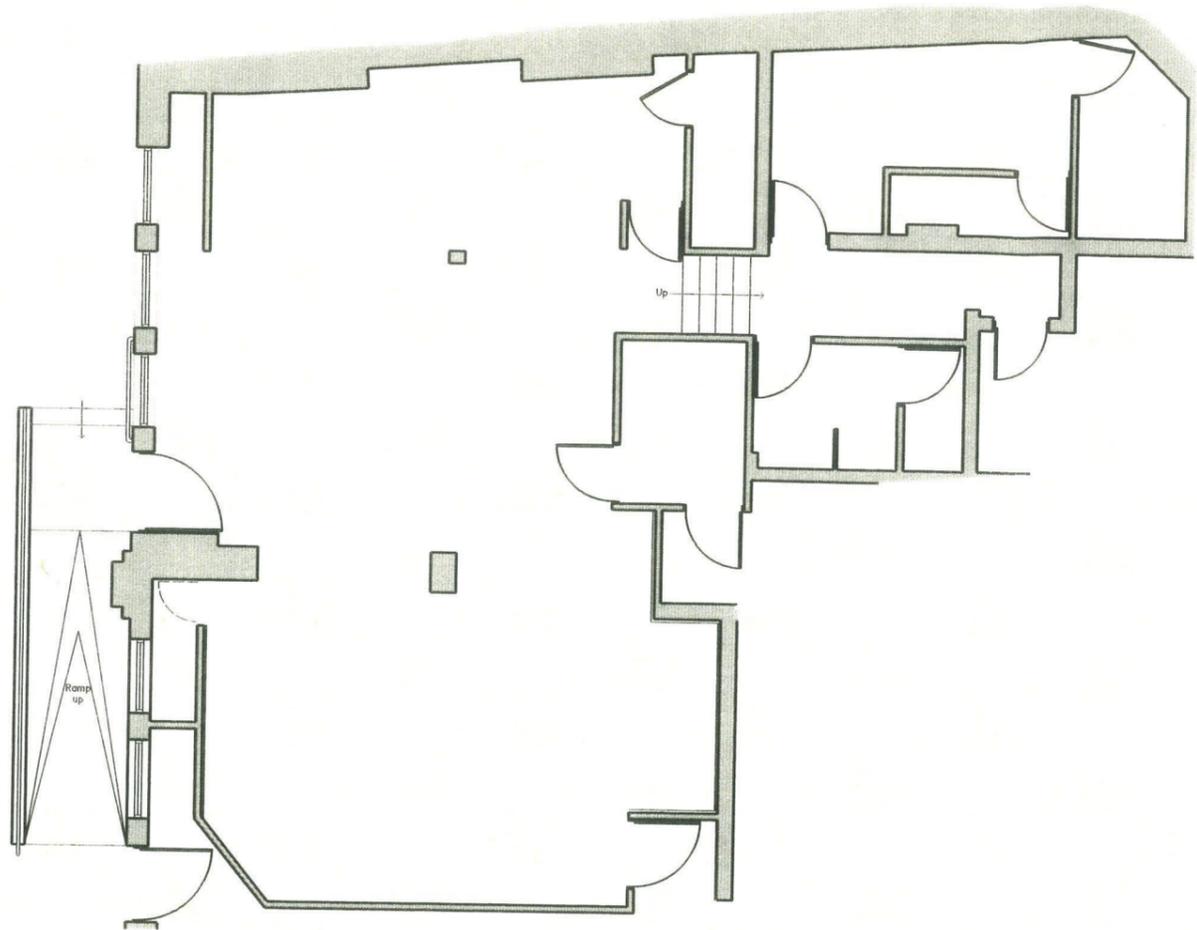
24. Postal address for correspondence associated with this application:

Ladbrokes Coral
28 La Porte Precinct
Grangemouth
Stirlingshire

Postcode:FK3 8BG

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

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Proposed Ground Floor Layout



0M 20 40 60 80M
METERS

SITE LOCATION PLAN
SCALE 1:1250@A1



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Contractors must check ALL dimensions on site. Only figured dimensions are to be worked from, except for plotting purposes. This drawing is to be read in conjunction with all other relevant drawings and any discrepancies must be reported immediately to the Project Manager before proceeding. CORAL accepts no responsibility for works undertaken or materials purchased without accurate site measurement.

Where this drawing is used for TENDERING purposes all tendering contractors must undertake a site inspection and avail themselves of the conditions, and any discrepancies between a Survey or a Proposal and a Site must be reported immediately to the Project Manager and qualified clearly and concisely within any subsequent tendering return.

PROPOSED	
GROSS UNIT AREA	1400 SQFT
GROSS CUSTOMER AREA	SQFT
NET CUSTOMER AREA	SQFT
NEWSPAPER DISPLAY AREA	LFT

DRAWING REVISIONS			
REV	DESCRIPTION	DATE	TECH

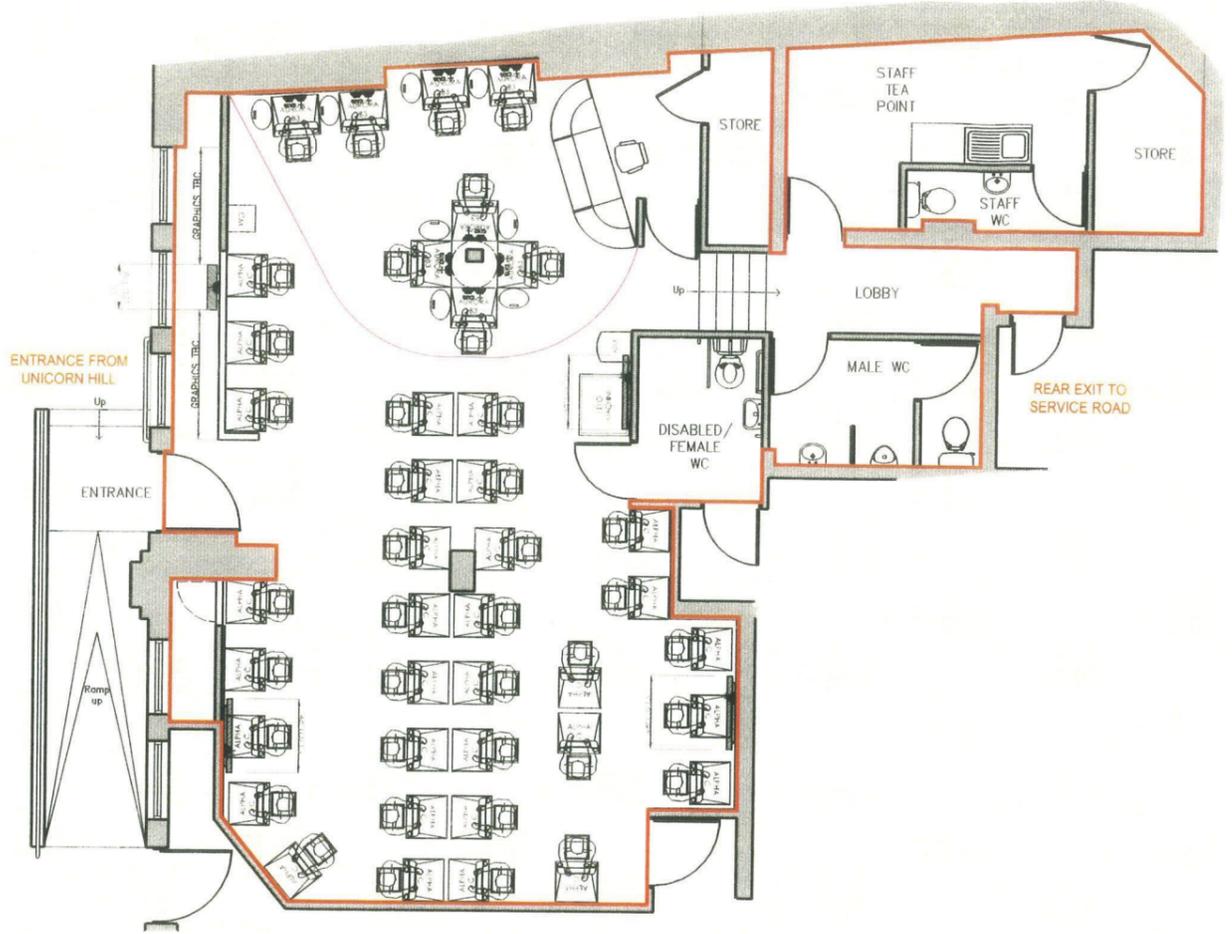


Site: 8/10 UNICORN HILL REDDITCH WORCESTER, B97 4QR	
Description: PROPOSED GROUND FLOOR PLAN	
Date: 11/12/2017	Scale: 50@A1 & 1:100@A3
Drawn: EK	PM: CD
Drawing Number: COU/110917/MS/203	Revision:



Anything which is shown on this plan, which is not required by the plan regulation, is for illustrative purposes only and does not form part of the licence

The location and extent of that part of the premises which will be used to provide facilities for gambling in reliance of the licence



Proposed Ground Floor Layout



SITE LOCATION PLAN
SCALE: 1:1250@A1

IMPORTANT NOTICE

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PROPOSED	
GROSS UNIT AREA	1400 SQFT
GROSS CUSTOMER AREA	SQFT
NET CUSTOMER AREA	SQFT
NEWSPAPER DISPLAY AREA	LFT

DRAWING REVISIONS			
REV	DESCRIPTION	DATE	TECH

Kreative
Retail & Residential Design Drawings
DO NOT SCALE OFF THIS DRAWING

LADBROKES CORAL
GROUP

Site:	8/10 UNICORN HILL REDDITCH WORCESTER, B97 4QR		
Description:	LICENSING PLAN		
Date:	30/1/2018	Scale:	1:500(A1) & 1:100(A3)
Drawn:	GDV	PL:	CG
Drawing Number:	LADCOR/110917/LP/601		Revision:

Premises Local Area Risk Assessment (PLARA)

Region & Area	MD11	Shop Code & Address	8/10 Unicorn Hill, Redditch, B97 4QR
Local Regulatory Authority	Redditch Borough Council		
Date of Assessment	31.01.2018		
Names and Positions of Persons Contributing to the Risk Assessment	Colleague Name	Job Title	Signature
	Neil Amos	RSI	
Work activity being assessed	<p>This risk assessment is comprised of four sections which address safety of our colleagues in the workplace, as well as ensuring we fulfil our obligations under our licencing objectives;</p> <ul style="list-style-type: none"> - Section 1: Shop and Local Area Profile - reviews general profile or the shop, including its incident history as well as the local community and crime statistics to assess whether the shop is at greater risk of incidents - Section 2: Security Assessment - reviews general work activities in a Ladbrokes or Coral shop at different times throughout the working day to assess the risk of work related violence, aggression and conflict to colleagues and customers - Section 3: Threat to Licencing Objectives - considers local area risks and hazards / controls posed by the physical design of the shop on meeting our licencing objectives obligations - Section 4: Licencing Conditions Restrictions - considers any licencing conditions which affect the control measures in the shop 		
Overall Risk Rating of shop Following completion of risk assessment, record the risk rating by combining the Risk Ratings of Sections 2 & 3 (i.e. Risk Rating = 2b)	<p>Single Scheduling Restrictions Following the completion of the risk assessment, record details of any single scheduling restrictions imposed on the shop as per Section 4 & Appendix B</p>		
Additional Control Measures / Actions			
Following the risk assessment, record summary of any additional control measures / actions which must be implemented		By Who	By When

Section 1: Shop and Local Area Profile

This section of the assessment should be completed by the assessor taking into account relevant local crime statistics (anti-social behaviour, criminal damage, drugs, robbery, theft from person, violence and sexual offences), local community, shop incident history and local management knowledge of the area. This information should be used throughout sections 2 and 3 of this risk assessment when determining a risk rating for the shop.

Category	Information																														
<p>Shop Profile Record details of the current shop layout, including position of counter, CCTV coverage, blind spots, etc which may impact on the risk profile of the shop</p>	<p>The shop is a large unit housed in a run of terraced commercial properties in the town centre of Redditch.</p>																														
<p>Shop Incident History Record details of relevant significant incidents reported over the last three year for the shop. Highlight any significant concerns which have not been adequately addressed through control measures</p>																															
<p>Existing Control Measures Mark all control measures that apply with an <input checked="" type="checkbox"/> X</p> <p>All colleagues must read the shop operating procedures (SOP's), work instruction notes (WIN) and management guidance on safety (MGOS) which provide instruction on how to work safe and secure in the shop.</p>	<table border="1"> <tr> <td data-bbox="842 1563 896 1630"></td> <td data-bbox="842 1115 896 1563">StaffGuard</td> <td data-bbox="842 600 896 1115"></td> <td data-bbox="842 533 896 600"></td> <td data-bbox="842 331 896 533">Machine block</td> </tr> <tr> <td data-bbox="896 1563 951 1630"></td> <td data-bbox="896 1115 951 1563">CCTV</td> <td data-bbox="896 600 951 1115"></td> <td data-bbox="896 533 951 600">Portable Panic Alarm (shop only)</td> <td data-bbox="896 331 951 533">Safe haven (door opens outwards)</td> </tr> <tr> <td data-bbox="951 1563 1005 1630"></td> <td data-bbox="951 1115 1005 1563">Duress code (alarm panel)</td> <td data-bbox="951 600 1005 1115"></td> <td data-bbox="951 533 1005 600">Portable Panic Alarm (individual)</td> <td data-bbox="951 331 1005 533">Money belt</td> </tr> <tr> <td data-bbox="1005 1563 1059 1630"></td> <td data-bbox="1005 1115 1059 1563">Counter screen</td> <td data-bbox="1005 600 1059 1115"></td> <td data-bbox="1005 533 1059 600">Magnetic lock (front door)</td> <td data-bbox="1005 331 1059 533">Smoke cloak</td> </tr> <tr> <td data-bbox="1059 1563 1114 1630"></td> <td data-bbox="1059 1115 1114 1563">Single scheduling restrictions</td> <td data-bbox="1059 600 1114 1115"></td> <td data-bbox="1059 533 1114 600">Magnetic lock (toilet)</td> <td data-bbox="1059 331 1114 533">Mosquito alarm</td> </tr> <tr> <td data-bbox="1114 1563 1197 1630"></td> <td data-bbox="1114 1115 1197 1563">Other (please specify):</td> <td data-bbox="1114 600 1197 1115"></td> <td data-bbox="1114 533 1197 600">Personal distress alarm</td> <td data-bbox="1114 331 1197 533"></td> </tr> </table>		StaffGuard			Machine block		CCTV		Portable Panic Alarm (shop only)	Safe haven (door opens outwards)		Duress code (alarm panel)		Portable Panic Alarm (individual)	Money belt		Counter screen		Magnetic lock (front door)	Smoke cloak		Single scheduling restrictions		Magnetic lock (toilet)	Mosquito alarm		Other (please specify):		Personal distress alarm	
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	Other (please specify):		Personal distress alarm																												

<p>Local Area Profile Record detail of other businesses and services within the local community which may impact on the risk profile of the shop i.e. schools, pubs, drug clinics, etc</p>	<ul style="list-style-type: none"> - Traditional high street location. - Located in the centre of town in the main shopping district - Train and bus stations - Numerous pubs, bars and restaurants - Competitor LBO's - High school and college 																											
<p>Local crime statistics Record the crime rank, indicating the highest likely crimes in the area. These statistics are taken from the UK Crime Stats website (http://www.ukcrimestats.com) Note: these statistics should be used for indicative purposes, but must be used in conjunction with all other evidence.</p>	<table border="1"> <thead> <tr> <th>Crime Type</th> <th>Rank</th> <th>Additional information</th> </tr> </thead> <tbody> <tr> <td>Anti-Social Behaviour</td> <td>99.641</td> <td></td> </tr> <tr> <td>Burglary</td> <td>92.197</td> <td></td> </tr> <tr> <td>Criminal Damage & Arson</td> <td>98.681</td> <td></td> </tr> <tr> <td>Drug Crimes</td> <td>98.232</td> <td></td> </tr> <tr> <td>Possession of Weapons</td> <td>99.604</td> <td></td> </tr> <tr> <td>Robbery</td> <td>98.437</td> <td></td> </tr> <tr> <td>Theft from the person</td> <td>99.097</td> <td></td> </tr> <tr> <td>Violent crime</td> <td>99.725</td> <td></td> </tr> </tbody> </table>	Crime Type	Rank	Additional information	Anti-Social Behaviour	99.641		Burglary	92.197		Criminal Damage & Arson	98.681		Drug Crimes	98.232		Possession of Weapons	99.604		Robbery	98.437		Theft from the person	99.097		Violent crime	99.725	
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<p>Local Policing Priorities & Local Authority Gambling Policy (if applicable) If available, record the local police priorities for the area. Local Authority gambling policies can be found on google drive</p>	<p>No local policing priorities listed on West Mercia Police website. The Licencing Authority recognises that properly regulated gambling contributes to the growth of the City's local economy. The Council will also liaise with the Gambling Commission. A further objective under the Act is to protect children and other vulnerable people from being harmed or exploited by gambling, and all applications have to be determined with the due consideration of the objectives under the Act.</p>																											
<p>Local Management Knowledge Record details of management knowledge of the local area and any incidents or potential threats which may affect the risk profile of the shop</p>	<p>Crime stats would indicate a high crime area, however analysing reported incidents as previous LBO and nearby L2355 demonstrate that they experience very few issues, non which are serious.</p>																											

Ladbrokes classification: **Internal**

Section 2: Security Assessment

The purpose of this section of the assessment is to determine the overall risk rating of the premises in terms of workplace violence and aggression. After completing the questions below, add up the total risk score, then refer to the Security Risk Matrix to calculate the overall shop risk rating and minimum control measures which should be in place to protect the welfare of colleagues and customers;

Potential threats A threat is any activity / working condition that may cause provide exposure to violence and aggression	Likelihood Based on the history and local profile of the shop, what is the likelihood that this threat will occur			Evidence to support decision Record details which support the decision you have made regarding the likelihood of this occurring, including any relevant shop incidents, local area profile or local crime information
Actual or threat of violence against colleagues and/or customers whilst opening or closing of the shop	Low (1)	Med (2)	High (3)	
Actual or threat of violence against colleagues and/or customers during general shop operations	Low (1)	Med (2)	High (3)	
Actual or threat of violence against colleagues and/or customers during a robbery or security incident	Low (1)	Med (3)	High (5)	
Actual or threat of violence against colleagues and/or customers during movement of all cash in shop (i.e. general cash handling or paying out a customer)	Low (1)	Med (2)	High (3)	
Actual or threat of violence against colleagues and/or customers while emptying gaming machines and SSBTs	Low (1)	Med (2)	High (3)	

Ladbrokes classification: **Internal**

Actual or threat of violence against colleagues in relation to performing duties requiring cash in transit (i.e. banking or shop transfer)	Low (1)	Med (3)	High (5)
Actual or threat of violence against colleagues in relation to age verification requests as part of the Think 21 initiative and customer interaction as part of our Responsible Gambling obligations	Low (1)	Med (2)	High (3)
Actual or threat of violence against colleagues during floor walking activities and interactions	Low (1)	Med (2)	High (3)
Any further specific threats of violence identified in the shop (make comments as necessary)			
Total Points Accumulated in Section 2: (Add up points in brackets above)			
Overall Risk Rating: (Refer to Appendix A: Security Risk Rating)			

Any additional actions required that is not listed risk matrix	By Who	By When

Ladbrokes classification: **Internal**

Section 3: Threats to Licencing Objectives

This section of the assessment evaluates any specific risks to each of the three licencing objectives. It considers not just local area risks but also the potential threats and controls posed by the physical design of the shop. After completing each of the questions related to the specific licencing objective, determine the likelihood of the threat to the licencing objective. The overall risk rating to the licencing objectives is the equivalent of the highest risk rating identified in the assessment (i.e. if shop scored 'high' on a single question in section 3, it scored 'high' in its overall risk rating for this section and gets a 'c' rating)

Licencing Objective	Potential Threat We have listed the most common threats plus space for you to capture any further shop specific threats identified	Frequency (Daily, Weekly, Monthly or less frequent)	Existing Control Measures Please record of any existing control measures in place to minimise risk to the shop's licence	Likelihood Based on the identified threats, rate the likelihood the shop will be exposed against this licencing objectives
Protecting children and other vulnerable persons from being harmed or exploited by gambling	Underage gambling (refusal of service)		To ensure the "under-18" law is complied with at all times Ladbrokes Coral Group operates a Think 21 Policy which requires that all customers who appear to be under the age of 21 are approached and their age verified by the production of the appropriate valid ID document, before they have the chance to gamble.	Low (a)
	Intoxicated customers (either drugs or alcohol), leading to a refusal of service		Ladbrokes Coral Group has an Interaction policy where colleagues are required to recognise behavioural/physical triggers which may lead them to believe that a customer is showing signs of developing a gambling problem. Colleagues should facilitate an interaction at the earliest opportunity in accordance with the interaction policy.	Med (b)
	Problem Gamblers (self-exclusions, RG alerts, etc)			High (c)

Ladbrokes classification: Internal

	Other identified threats (please specify):			<p>Ladbrokes Coral Group has a fraudsters database of all known fraudsters. Furthermore colleagues receive training in identifying commonly used fraud techniques.</p> <p>Ladbrokes Coral Group operates a policy to cover the Proceeds of Crime Act 2002 where colleagues receive training on how to recognise and report any incidents of money laundering or betting with the proceeds of crime.</p> <p>Ladbrokes Coral Group has a system in place where colleagues are alerted to potential instances of money laundering through screen messages via the fixed odds betting terminals. All incidents are reported to the Security team for payment to be authorised.</p>	Low (a)	Med (b)	High (c)
Preventing gambling from being a source of crime or disorder or being used to support crime	<p>Fraudsters</p> <p>Stained notes</p> <p>Anti-money laundering alerts</p> <p>Actual robberies (within last 3 years)</p> <p>Other identified threats (please specify):</p>						

Ladbrokes classification: Internal

Ensuring that gambling is conducted in a fair and open way	Customer complaints	Less Frequent	To ensure that gambling is conducted in a fair and open way, Ladbrokes Coral Group has a detailed set of rules and conditions that is on display in every shop. Ladbrokes Coral Group also has a complaints process as set out in the complaints and disputes policy, which is split into three stages. The complaint will be dealt at shop level first before it is escalated to the customer services team. If a satisfactory outcome is not agreed the customer can take their complaint to the Independent Betting Adjudication Service (IBAS) for an independent dispute resolution.	Low (a)	Med (b)	High (c)
	Other identified threats (please specify):					
<p>Overall Highest Threat Level Identified:</p> <p>Take the highest rating from the three licencing objectives above and note in the box provided. For example if highest rating is 'low' then overall rating is 'low' and gets an 'a' rating.</p>						

Based on the threats identified to each of the licencing objectives, please any specific shop actions required to minimise threat to the shop's licence, as required.

Action Required	By Who	By When

Ladbrokes classification: Internal

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Section 4: Licencing Conditions Restrictions

This section should be used to capture any restrictions imposed by the local authority as part of the conditions of the shop licence.

Category	Yes/No	Details
Is there any licencing conditions that affect single scheduling?		
Is there any physical changes to the premises required by the shop licence? (i.e. counter screen, mosquito alarm, etc)		
Is there any further conditions imposed on the shop licence? (i.e. doorman, trading hours restrictions, etc)		

Appendix A: Security Risk Matrix

After completing Section 2 of the risk assessment, use the below risk matrix to determine the overall security risk rating of the shop. The table also details the minimum control measures that should be put in place based on this rating.

Risk Rating	Total Score	Minimum control measures in place
4	25 - 28	<ul style="list-style-type: none"> - As lower, medium & higher risk, plus the following: - Counter screen - Banking collection service - Safe haven should be considered - No access to cash-in box in FOBTs / SSBTs during trading - Shop to be reviewed by HSSE steer co
3	19 - 24	<ul style="list-style-type: none"> - As lower and medium risk, plus the following: - Counter screen - Lockable counter door - Banking collection service should be considered
2	14 - 18	<ul style="list-style-type: none"> - As lower risk, plus the following: - Magnetic or key lockable customer toilets - Mag lock (front door)
1	8 - 13	<ul style="list-style-type: none"> - StaffGuard - CCTV - Time lock safes w/ time delay insert - Money belts

Ladbrokes classification: **Internal**

Appendix B: Single Scheduling Restrictions Matrix

After completing sections 2 and 3, use the below table to determine any additional single scheduling restriction for the premises.

Overall Risk Profile	Overall Risk Category	Single scheduling restrictions
Heightened	4c, 4b, 3c	- No single scheduling permitted at any time of day
Higher	4a, 3b, 2c	- No single scheduling permitted from 2:30pm onwards
Medium	3a, 2b, 1c	- No single scheduling permitted from 7pm onwards
Lower	1a, 1b, 2a	- No single schedule restrictions required

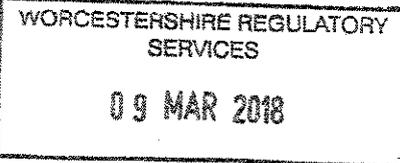
Ladbrokes classification: **Internal**

PopplestonAllen

Licensing Team
Licensing Authority
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

Date: 06 March 2018
Our ref: RXB/SAU/P41186-1108
Your ref: Doc Ref: 2146322323
E-mail:
Direct line:

By Special Delivery



Dear Sirs,

Ladbrokes Betting & Gaming Limited, 8/10 Unicorn Hill, Redditch, Worcester, B97 4QR
Application for Adult Gaming Centre Premises Licence

We act for Power Leisure Bookmakers Limited, which operates a Betting Premises Licence located at 1-2 Market Place, Redditch.

Our client has a number of concerns regarding the new application for an Adult Gaming Centre Premises Licence submitted by Ladbrokes Betting & Gaming Limited and I enclose a copy of our client's representation for the Authority's consideration.

We would be grateful if you would acknowledge receipt of our client's representation and forward any correspondence to Poppleston Allen Solicitors on the details below.

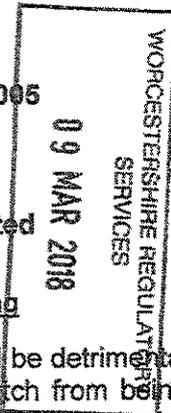
Yours faithfully

Poppleston Allen

Enc

Application for Adult Gaming Centre: section 159 of the Gambling Act 2005
 Applicant: Ladbroke's Betting & Gaming Limited
 Premises: 8/10 Unicorn Hill, Redditch, Worcestershire, B97 4QR

Representation submitted on behalf of Power Leisure Bookmakers Limited



Protecting vulnerable persons from being harmed or exploited by gambling

Granting the application will undermine the third licensing objective. It will be detrimental to the protection of problem gamblers and the vulnerable within Redditch from being harmed or exploited by Gambling if the grant of an AGC application was to be approved.

- An Adult Gaming Centre would substantially increase the number of high-stake and prize gaming machines available to be played by customers. The number of such machines in the betting premises previously trading from this site (Coral) was limited to 4. The plan accompanying the application includes approximately 40 gaming machines within the premises.
- Stakes and prizes: when the premises operated under a betting premises licence the maximum number of gaming machines offering winnings of up to £500 was limited to 4. If granted, that number would double: the licence would allow the applicant to operate 8 high-stake B3 gaming machines permitting players to win £500.

Crime and disorder

Granting the application has the potential to increase levels of crime and disorder in the vicinity of the arcade.

- The Adult Gaming Centre application does not specify the proposed hours of operation unlike restrictions placed on the previous site
- Permitting the premises to operate without limit on hours would substantially increase the time that the high stakes gaming machines are available to be played by members of the public. The planning application submitted to Redditch Borough Council in respect of the premises to which this application relates seeks to provide operational hours of 24 hours per day. Betting Premises Licences may open from 07:00 until 22:00. An Adult Gaming Centre without conditions on the hours would be making provision for gambling for *an additional 49 hours per week* over and above the maximum hours previously traded by Corals.
- Beyond 22:00 this would be one of few premises in the locality open to the public.

Conclusions

Ladbrokes Coral Group PLC has closed their Coral betting shop, which was previously located at the address to which this Adult Gaming Centre application relates, but retained another Ladbrokes shop in Redditch. If allowed to turn the Coral betting shop into an Adult Gaming Centre, Ladbrokes would have circumnavigated the gaming machine restrictions proposed by the Government by opening an Adult Gaming Centre providing twice as many £500 jackpot gaming machines than were permitted in the closed betting shop, and providing gambling facilities for a longer daily duration than previously permitted. This increase in machine-gambling provision flies in the face of the Government's proposals.

The DCMS Consultation on Proposals for Changes to Gaming Machines and Social Responsibility Measures, published 31st October 2017 gives the Government's view that the current regulation of B2 gaming machines, (those permitted in betting shops) *is inappropriate to achieve the stated objective of ensuring the right balance between (1) a sector that can grow and contribute to the economy, and (2) one that is socially responsible and doing all it should do to protect customers and communities.* Suggested changes to the maximum stake on B2 gaming machines range from between £20 and £2. The new maximum stake would represent a substantial reduction from the current £100 for B2 gaming machines. The express purpose of the reduction in stakes is to minimise the potential for larger session-losses by problem gamblers, and the harmful impacts on vulnerable people in wider communities. Power Leisure Bookmakers Limited (trading as Paddy Power) is one of the few operators of betting offices that have publically supported the stance taken by the Government. The application by Ladbrokes is in direct conflict with what the Government is trying to achieve.

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www.redditchbc.gov.uk

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Phone: 01905 822799 Email: wrsenquiries@worcsregservices.gov.uk

Gambling Act 2005

Statement of Principles

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Appendices

Appendix A Map of the Borough of Redditch

Appendix B List of Consultees

Statement of Principles – Gambling Act 2005

1.0 Introduction

1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains 6 District Councils in total. The Council area has a population of 84,300 (2011 Census) and covers an area of around 21 square miles making it the smallest in the County in terms of population and area.

The Borough of Redditch consists of 2 distinct areas:-

- An essentially urban area, which includes a vibrant and thriving town centre and smaller centres within local districts; and
- An essentially rural area, which includes Astwood Bank, Feckenham, Elcocks Brook and Ham Green.

The Borough and its address districts are shown in the map at Appendix 'A'.

1.2 Redditch Borough Council is committed to providing residents with effective and efficient services that not only meet their needs but understand them too. This statement accords with that vision in seeking to promote the licensing objectives set out in the Act, which are central to the regulatory regime created by the Act. These 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, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The Licensing Authority has produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”) and having had regard to the Gambling Commission’s formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that the Licensing Authority have consulted. The Licensing Authority consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is appended. The consultation took place between July and October 2015 in line with current published Government consultation principles. The statement was approved at a meeting of the Full Council on 7th December 2015. Should you have any comments with regards to this policy statement please send them via email or letter to: wrsenquiries@worcsregservices.gov.uk.

This statement must be published at least every three years. The statement may also be reviewed from ‘time to time’ and any amended parts re-consulted upon.

1.4 The Licensing Authority intends that this document should provide information and guidance on the general approach that the Licensing Authority will take to licensing. A series of advice sheets with more specific guidance is available on request; advice tailored to individuals is available by phone or to personal callers.

1.5 Nothing in this statement takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

2.0 Gambling Act 2005

- 2.1 This statement reflects and aims to support our strategic purposes, as set out in the Council Plan.
- 2.2 The Act provides for gambling to be authorised in a number of different ways. Our main functions are to:
- licence premises for gambling activities, including the issue of provisional statements;
 - regulate and grant permits for gambling and gaming machines in clubs, including commercial clubs,
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - receive and endorse notices given for the temporary use notices;
 - receive occasional use notices for betting at tracks;
 - register small societies lotteries;
 - maintain public registers; and
 - provide information to the Gambling Commission on issued licences.
- 2.3 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The “National Lottery” is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

3.0 Local Area Profile

- 3.1 Alongside its statement of principles, the Licensing Authority would like to work with the other Licensing Authorities in Worcestershire and other partners during the lifetime of this statement to develop a “Local Area Profile” for the County as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 3.2 This Local Area Profile is likely to take account of a wide range of factors, data and information held by the Licensing Authority and its partners. An important element of preparing the Local Area Profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to ‘map’ local risks in the area.
- 3.3 These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.
- 3.4 The aim of the Local Area Profile will be to increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which will form a part of any new licence application, or an application to vary a licence from April 2016.
- 3.5 The creation of a Local Area Profile, however, is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling has in the local area. Where evidence is submitted to the Licensing Authority which identifies areas of concern it is intended to produce a Local Area Profile separate to this Policy.

- 3.6 Once a Local Area Profile has been developed, it will be published on the Licensing Authority's website and updated on a regular basis to reflect changes to the local environment.

4.0 Authorised Activities

- 4.1 'Gambling' is defined in the Act as gaming, betting, or taking part in a lottery.
- gaming means playing a game of chance for a prize;
 - betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not, and
 - a lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

5.0 General Statement of Principles

- 5.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will generally aim to permit the use of premises for gambling as long as it is considered to be :-
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission; in accordance with this statement of principles, and
 - reasonably consistent with the licensing objectives.
- 5.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 5.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority follows the required procedures, and only takes into account issues that are relevant. Specifically the Licensing Authority will not have regard to "demand" when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority decides to reject an application, the Licensing Authority will make known the reasons for doing so.
- 5.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this statement of principles they are referred to collectively as the 'Licensing Authority'.
- 5.5 Where an application is for a new premises licence, the responsible authorities may visit to check that gambling facilities meet all necessary legal requirements.

- 5.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 5.7 If there are objections that can't be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 5.8 This statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this statement of principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

6.0 Preventing gambling from being a source of crime and disorder

- 6.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 6.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator's licence, the Licensing Authority is not generally concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 6.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for Security Industry Authority registered door supervisors.
- 6.4 Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 6.5 "Disorder" is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be dealt with using alternative powers.
- 6.6 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

7.0 Ensuring gambling is conducted in a fair and open way

- 7.1 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through

the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.

7.2 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

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

8.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.

8.2 Codes of Practice, including advice about access by children and young persons may be published by the Gambling Commission for specific kinds of premises. Applicants will be expected to heed this advice where applicable.

8.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.

8.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

8.5 In seeking to protect vulnerable people the Licensing Authority will include 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, perhaps due to a mental impairment, alcohol or drugs.

8.6 The Licensing Authority will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.

8.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Board for this purpose.

9.0 Local Risk Assessments

- 9.1 From 6 April 2016 it will be a requirement for operators to assess local risks to the licensing objectives taking into account this Council's statement of principles. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.
- 9.2 The Licensing Authority will expect the local risk assessment to consider, for example:
- whether the premises is in an area of deprivation;
 - whether the premises is in an area subject to high levels of crime and/or disorder;
 - whether the premises is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
 - the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
 - how vulnerable persons as defined within this statement are protected.
- 9.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this statement.
- 9.4 Other matters that the risk assessment may include are, for example:
- staff training, including refresher training, such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.;
 - where installed, details of CCTV coverage and how the system will be monitored;
 - layout of the premises to ensure staff have unobstructed views of persons using the premises or, where this is not possible, evidence of how this can be achieved;
 - the number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
 - where only one staff member is employed in the case of smaller premises, what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason;
 - provision of signage and documents relating to games rules, gambling care providers;
 - what mix of gambling is provided;
 - consideration of primary gambling activity and location of gaming machines;
- 9.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary.

- 9.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 9.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 9.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. By developing a Local Area Profile it is likely to assist operators in identifying specific local risks within the area.

10.0 Premises licences

- 10.1 A premises licence can authorise the provision of facilities at the following:
- casino premises
 - bingo premises
 - betting premises, including betting tracks
 - adult gaming centres
 - family entertainment centres
- 10.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.
- 10.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.
- 10.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority would also expect customers to be able to participate in the activity named on the premises licence.
- 10.5 The Secretary of State appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The Borough of Redditch was not identified as a suitable location for a casino; consequently the Licensing Authority is currently prevented from granting a Casino Premises Licence.

- 10.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.
- 10.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 10.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 10.9 When considering applications for premises licences the Licensing Authority will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.
- 10.10 The Licensing Authority are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 10.11 The Licensing Authority will only issue a premises licence once the Licensing Authority are satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made.
- 10.12 The Licensing Authority will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:
- should the premises be permitted to be used for gambling;
 - can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.
- 10.13 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 10.14 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 10.15 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

11.0 Responsible authorities

- 11.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that the Licensing Authority recognises are listed below, contact details for each of the responsible

authorities identified are available on our website www.redditchbc.gov.uk, and will be sent on request.

- the Gambling Commission
- the Chief of Police for the area
- Fire & Rescue Service
- Redditch Planning Department
- Environmental Services Department
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs
- Redditch Licensing Department
- any other bodies identified in Regulation by the Secretary of State,
- for vessels, the Environment Agency, Canal and River Trust, Secretary of State.

11.2 Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

12.0 Interested Parties

12.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of the two groups above.

12.2 The Licensing Authority will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representations is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

12.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things:

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the identity of the complainant
- the potential impact of the premises

12.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

12.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not

consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

12.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises an issue relevant to the licensing objectives, or
- whether it raises issues specifically to do with the premises which are the subject of the application.

13.0 Licence conditions

13.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.

13.2 The Licensing Authority will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.

13.3 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicant to offer their own suggestions as to ways in which the licensing objectives can be promoted effectively.

13.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
- relating to gaming machine categories or method of operation;
- which specify that membership of a club or other body is required; or
- in relation to stakes, fees, winnings or prizes.

13.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

14.0 Gaming Machines

14.1 Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.

14.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

14.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos;
- bingo premises;
- betting premises, (including tracks);
- adult gaming centres;
- family entertainment centres;
- clubs;
- pubs and other alcohol licensed premises;
- travelling fairs.

14.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.

14.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

15.0 Temporary Use Notices

15.1 These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

15.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

16.0 Occasional Use Notices

16.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

17.0 Lotteries

17.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission - unless they are 'exempt' lotteries as defined by the Act. One of those exemptions is for "small society lotteries," which the Licensing Authority will allow, after registration. The Licensing Authority will maintain a register of small society lotteries.

- 17.2 A society will be allowed to register with us if it is 'non-commercial', in other words, if it is established and conducted:
- for charitable purposes ;
 - for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
 - for any other non-commercial purpose other than for private gain.

18.0 Exchange of Information

- 18.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- 18.2 Subject to the provisions of the Data Protection Act 1998, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant responsible authority. In doing so, the Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that the Licensing Authority holds about them by contacting our Information Management Officer.
- 18.3 The Licensing Authority is committed to being open about what it does and how the Licensing Authority comes to decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available on request from our Information Management Officer or via the Council's website www.redditchbc.gov.uk.
- 18.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, to be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.
- 18.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that the Licensing Authority accepts will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.
- ## **19.0 Enforcement Protocols**
- 19.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 19.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission,

relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.

- 19.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 19.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 19.5 The Licensing Authority will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.
- 19.6 In order to ensure compliance with the law, the Licensing Authority will prepare a risk based inspection programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' evening programmed inspections. Where a one off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.
- 19.7 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

20.0 Reviews

- 20.1 A review of a premises licence can be requested by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
 - Consistent with the licensing objectives
 - In accordance with our statement of principles.
- 20.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether the Licensing Authority would wish to alter/revoke or suspend the licence.
- 20.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which the Licensing Authority think is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 20.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. The options available are:

- add, remove or amend a licence condition;
- remove or amend a default condition, such as opening hours;
- suspend the premises licence for a period not exceeding 3 months;
- revoke the licence.

REDDITCH BOROUGH COUNCIL EQUAL OPPORTUNITIES STATEMENT

This statement is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate **unlawful** discrimination.
- **Promoting equal opportunities**
- Promoting community cohesion, **including good relations between people from different racial groups**.
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This statement will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group. Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

Redditch Borough Council Boundary



List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

District Councillors

Parish Councils

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling Trade Associations:

Association of British Bookmakers

British Amusement Catering Trade Association

Bingo Association

National Casino Forum

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

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 2017

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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 **6 April 2017**.

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 II: Suite of general conditions attached 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.

¹The 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 Compliance with terms

Licence condition 7.1.1

Compliance with terms (consumer rights)

All operating licences except gaming machine technical and gambling software licences

- 1 Licensees must satisfy themselves that none of the terms on which gambling is offered are unfair terms within the meaning of the Consumer Rights Act 2015 and must comply with those terms.
- 2 An accurate summary of the contractual terms on which gambling is offered must be made available to customers and set out in plain and intelligible language.
- 3 Customers must be notified of material changes to terms before they come into effect.

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 etc

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.

Gambling facilities

- 25** 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.
- 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

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.

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

For operators unable to access this system, the forms and a guide to completing them can be requested from the Commission and returned by email to:

Regulatory>Returns@gamblingcommission.gov.uk or by post to Licensing, Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP

16 Responsible placement of digital adverts

Licence condition 16.1.1

Responsible placement of digital adverts

All licences

- 1 Licensees 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 must take responsibility for third parties with whom they contract for the provision of any aspect of the licensee's business related to the licensed activities and 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.

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 of 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 between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to 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 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 (standard) (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 – SR code

All licences, except non-remote lottery, gaming machine technical, gambling software and host licences

- 1 Licensees must put into effect policies and procedures for customer interaction where they have concerns that a customer's behaviour may indicate problem gambling. The policies must include:
 - a identification of the appropriate level of management who may initiate customer interaction and the procedures for doing so
 - b the types of behaviour that will be logged/reported to the appropriate level of staff and which may trigger customer interaction at an appropriate moment
 - c the circumstances in which consideration should be given to refusing service to customers and/or barring them from the operator's gambling premises
 - d training for all staff on their respective responsibilities, in particular so that they know who is designated to deal with problem gambling issues
 - e specific provision for making use of all relevant sources of information to ensure effective decision making, and to guide and deliver effective customer interactions, including in particular
 - i provision to identify at risk customers who may not be displaying obvious signs of, or overt behaviour associated with, problem gambling: this should be by reference to indicators such as time or money spent
 - ii specific provision in relation to customers designated by the licensee as 'high value', 'VIP' or equivalent
 - f specific provision for interacting with customers demonstrating signs of agitation, distress, intimidation, aggression or other behaviours that may inhibit customer interaction
- 2 For gambling premises, licensees must ensure that their policies and procedures take account of the structure and layout of the gambling premises.
- 3 But such policies and procedures must be consistent with, and implemented with due regard to, licensees' duties in respect of the health and safety of their staff.

Ordinary code provision 3.4.2

Customer interaction – ordinary code

All licences except non-remote lottery, gaming machine technical, gambling software and host licences

- 1 Operators should work together to share experience and deliver good practice across the full range of social responsibility requirements for customer interaction.
- 2 Operators should keep a record of customer interactions, and where an interaction has been ruled out, the reasons for this. Where an interaction has taken place at a later date, this should also be recorded.
- 3 In providing training to staff on their responsibilities for customer interaction,

licensees should have, as a minimum, policies for induction training and refresher training.

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
 - 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
 - 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.

Ordinary code provision 5.1.6
Compliance with advertising codes
All licences, except lottery licences

- 1 All advertising of gambling products and services should be undertaken in a socially responsible manner. In particular, licensees should comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) which apply to the form and media in which they advertise their gambling facilities or services. For media not explicitly covered, licensees should apply the principles included in these codes of practice as if they were explicitly covered. Licensees should also follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.
- 2 Licensees should also have regard to the CAP and BCAP 'Guidance on the rules for gambling advertisements' which contains a specific section on 'Misleadingness': 'free bets', or any equivalent guidance that either body may issue in future.
- 3 Marketing communications must not include a child or young person. No-one who is, or seems to be under 25 years old may be featured in gambling. No-one may behave in an adolescent, juvenile or loutish way. However, 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:
 - a 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 offend any other aspect of the advertising codes.
 - b In the case of remote gambling, provided that the images 'appear in a place where a bet can be placed directly through a transactional facility, for instance, a gambling operator's own website. The individual may only be used to illustrate specific betting selections where the individual is the subject of the bet offered. The image or other depiction used must show them in the context of the bet and not in a gambling context' (as provided in the Gambling section of the CAP code)¹.

¹This is currently set out in CAP code rule 16.3.14.

Social responsibility code provision 5.1.7
Marketing of offers
All licences

- 1 Licensees must satisfy themselves that their marketing communications, advertisements, and invitations to purchase (within the meaning of the Consumer Protection from Unfair Trading Regulations 2008), including 'free bet' offers, do not amount to or involve misleading actions or misleading omissions within the meaning of those Regulations.
- 2 Licensees must abide by any relevant provision of the CAP or BCAP code, as the case may be, which relates to 'free bet', 'bonus' or similar offers and in that

regard follow the CAP and BCAP 'Guidance on the rules for gambling advertisements'. In particular that:

- a Marketing communications (which include advertisements) must state significant limitations and qualifications. Qualifications may clarify but must not contradict the claims that they qualify.
 - b Marketing communications that include a promotion and are significantly limited by time or space must include as much information about significant conditions as practicable and must direct consumers clearly to an easily accessible alternative source where all the significant conditions of the promotion are prominently stated. Participants should be able to retain those conditions or easily access them throughout the promotion.
 - c Terms and conditions relating to consumers' understanding of a 'free bet' offer and of the commitments that they have to make in order to take advantage of such an offer should generally be stated in the advertisement itself. Where the advertisement is limited by time or space (for example a banner advertisement), significant conditions likely to affect a consumer's decision to participate in promotions should be displayed no further than one click away from the advertisement itself. If the significant conditions are not displayed with sufficient prominence, the advertisement will be seen as misleading.
- 3 The terms and conditions of each marketing incentive must be made available for the full duration of the promotion.

Ordinary code provision 5.1.8

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.

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 a written procedure for handling customer complaints and disputes.
- 2 Licensees must also ensure that they have arrangements in place for customers to be able to refer any dispute to an ADR entity if not resolved to the customer's satisfaction by use of their complaints procedure. It is permissible for licensees to have arrangements with more than one ADR entity and for customers to be

directed to different ADR entities depending on the nature and subject matter of the dispute.

- 3** It is permissible for any such ADR entity to have terms enabling it to reject complaints referred for dispute resolution on the basis they are frivolous or vexatious but licensees may not refuse to refer disputes on that ground.
- 4** The services of any such ADR entity must be free of charge to the customer and must not be subject to 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 an agreed resolution of a dispute (arrived at with the assistance of the ADR entity) to be binding on both parties.
- 5** In this code a 'complaint' means a complaint about any aspect of the licensee's conduct of the licensed activities, and a 'dispute' is any complaint which:
 - a** relates to the outcome of the complainant's gambling transaction; and
 - b** is not resolved at the first stage of the licensee's complaints procedure.
- 6** Licensees must ensure that:
 - a** information about their complaints procedure is set out in their terms and conditions;
 - b** such information is also readily accessible on the gambling premises or website as the case may be;
 - c** such information includes details of how to make a complaint to the licensee and the relevant contact details;
 - d** such information includes the identity (with contact details, which can be by way of a link from the licensee's website) of the ADR entity or entities to whom disputes can normally be referred and, where necessary, details of any limitation on the nature and subject matter of disputes with which a particular ADR entity deals
 - e** customers are given a copy of the complaints procedure on request or on making a complaint; and
 - f** all complaints are handled in accordance with the procedure.
- 7** Should licensees refer a dispute to an ADR entity other than one in respect of which contact details were given in accordance with 6 above they must, at the same time as making the reference, inform the Commission of the reference and reason for selection of the ADR entity concerned.
- 8** Licensees must keep a record of all complaints that are not resolved at the first stage of the complaints procedure.
- 9** Licensees must arrange for a copy of the decision on, or a note of the outcome of, each dispute referred to an ADR entity to be provided to the Commission, either by the ADR entity or by the licensee. This information should be provided in such format and within such timescale as the Commission may from time to time specify.
- 10** Licensees must also arrange for 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 to be notified to the Commission as a key event; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.

In this Code, 'ADR entity' means 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.

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

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Guidance to licensing authorities

About this Guidance

This Guidance is the Gambling Commission's (the Commission) statutory Guidance to Licensing Authorities (Guidance) issued under s.25 of the Gambling Act 2005 (the Act), which requires the Commission to issue guidance on the manner in which local authorities are to exercise their functions under the Act.

This Guidance has a particular role and significance in the context of the principles that must be applied by licensing authorities when exercising their functions in relation to Part 8 of the Act, including premises licensing. That is because s.153 of the Act provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they 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 a and b above), and
- d. in accordance with the statement published by the authority under s. 349 (statement of licensing policy) (subject to paragraphs a to c above).

So, in carrying out its functions under the Act, a licensing authority must have regard to this Guidance (s.153(b)).

To avoid duplication, the Guidance should be read in conjunction with the Act and explanatory notes, relevant secondary legislation and the Gambling Commission's *Licence Conditions and Codes of Practice* (LCCP). The Commission's website provides [links to relevant legislation and regulations](#).

The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a 'one size fits all' model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation.

This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.

In the interests of conciseness, this Guidance attempts to focus on issues relating specifically to gambling regulation and to avoid replicating advice on issues that apply more widely to local authorities, for example managing conflicts of interest.

Licensing authorities should note that interpretation of the Act is ultimately a matter for the Courts. This Guidance is not a substitute for licensing authorities' own legal advice on the application and interpretation of the Act.

Part 1: General guidance on the role and responsibilities of licensing authorities in gambling regulation

Introduction

- 1.1 When the Gambling Act 2005¹ (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together into a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of gambling. So it created many local regulators, whose job it is to manage gambling locally, in line with local circumstances. Those regulators are the 380 licensing authorities of England, Wales and Scotland. In doing so, the Act established a strong element of local decision-making and accountability in gambling regulation.
- 1.2 The Act gives local regulators very broad discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation. It sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.
- 1.3 The Act also provides scope for the Commission to act to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. This Guidance to Licensing Authorities (Guidance), to which licensing authorities must have regard, is an important part of those arrangements.

Partnership working between the Commission and licensing authorities – shared regulation

- 1.4 The Commission works in partnership with licensing authorities to regulate gambling. In doing so, the Commission will tend to focus on operators and issues of national or regional significance, and licensing authorities will take the lead on regulating gambling locally. The Commission and licensing authorities may work directly together on particular issues, for example where it may establish a precedent or help build capacity and learning to be rolled out more widely.
- 1.5 The Commission draws on, and shares, the intelligence and insights of its regulatory partners, in particular licensing authorities, who may well be better positioned to identify emerging risks to the licensing objectives or instances of illegality which can start at a local level. By working closely together we are able to prevent such risks growing into a more widespread problem and to ensure that both Commission and licensing authority resources are used efficiently.
- 1.6 In the Commission's view, the statutory duty to aim to permit gambling, subject to reasonable consistency with the licensing objectives, is best delivered through partnership working between industry and regulator, including licensing authorities. Licensing authorities should aim to work with local businesses to reduce the risk to the licensing objectives to acceptable levels. The Act does not envisage regulation by either the Commission or licensing authorities being aimed at preventing legitimate gambling.

¹ 2005 c.19 Gambling Act 2005

- 1.7 Further, the Commission was not established, and is not resourced, to lead on local gambling regulation. Licensing authorities have the power to collect fees, subject to statutory maxima, to cover the costs of local gambling regulation. In addition, local regulation is more cost effective and licensing authorities are better placed to understand and manage local issues. So, while the Commission aims to adopt a position of support and assistance for licensing authorities in carrying out their functions, that is in the context of licensing authorities taking the lead on local regulation of gambling.
- 1.8 This is reflected in the Commission's approach to representations on premises licence applications. Neither licensing authorities nor operators should take the absence of a specific representation on particular application as indicating the Commission's approval of that application. However, 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 licence review. The Commission may also comment on an application if it has particular observations about an operator. The Commission will aim to work with the relevant licensing authority in formulating any representation it wishes to make.
- 1.9 In many instances, effective outcomes will depend on close co-operation and communication between the Commission and licensing authorities. Ultimately, however, the responsibility for every licensing decision rests with the licensing authority itself, in line with the principle of local accountability.

Co-ordination and contact

- 1.10 To facilitate co-operation, the Commission has established a Local Authority Liaison Unit. The Unit is available to advise licensing authorities on matters relating to gambling regulation. It coordinates a series of activities designed to promote more effective gambling regulation, for example workshops and training sessions for licensing authorities, regular up-to-date advice and support such as a series of 'quick guides' on specific subjects. The Commission also publishes a monthly 'LA Bulletin', which aims to provide licensing authorities with up-to-date information on gambling and its regulation, and to share good practice. The Unit can be contacted using the general contact email info@gamblingcommission.gov.uk.
- 1.11 The Commission also has in place a small network of field-based staff. An important part of their role is to facilitate effective working relationships between the Commission and licensing authorities.
- 1.12 As well as working directly with individual licensing authorities, the Commission seeks to engage frequently with representative bodies such as the Local Government Association (LGA), the Convention of Scottish Local Authorities (COSLA), the Welsh Local Government Association (WLGA), the Society of Local Authority Lawyers and Administrators (SOLAR), and the Institute of Licensing (IoL). These meetings provide opportunities to review regulatory policy and to discuss emerging trends and issues of concern.
- 1.13 Since the Act was introduced a great deal of collective experience and insight has been developed, enabling licensing authorities and the Commission to fulfil their roles within the shared regulatory system more effectively and efficiently. Case studies available on the Commission's website provide examples of successful multi-agency initiatives undertaken by the Commission and its regulatory partners.

Primary legislation

- 1.14 The primary legislation governing gambling in Great Britain is the Act. It covers England, Wales and Scotland, but not Northern Ireland, which has its own arrangements.
- 1.15 The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by:
- the measures contained in the Act, in relation to most commercial gambling
 - the measures contained in the National Lottery etc Act 1993, in the case of the National Lottery
 - the measures contained in the Financial Services and Markets Act 2000, in the case of spread betting.

This approach should be considered in the context of the statutory aim to permit gambling, as set out at paragraph 1.19 below.

- 1.16 The Act establishes two comprehensive offences: providing facilities for gambling or using premises for gambling without the appropriate permission. Such permission may come from a licence, permit, or registration granted in accordance with the Act or from an exemption given by the Act. Where authority to provide facilities for gambling is granted, it is subject to varying degrees of regulation, depending on the type of gambling, the means by which it is conducted, and the people by whom and to whom it is offered.
- 1.17 The Act is designed, as far as possible, to be flexible and future-proof. In practice, this means that in many areas the Act sets a framework, with more detailed rules set out in regulations made under the Act. A comprehensive list of regulations can be found on the Commission's website.
- 1.18 In addition, the Gambling (Licensing and Advertising) Act 2014² came into force on 1 November 2014 and amends the Act. It requires gambling operators that transact with or advertise to British consumers to obtain a licence from the Commission. The Act (as amended) has implications for remote operators and does not impact the powers or authority of licensing authorities. For further information, please refer to the Commission guidance on implementing the Gambling (Licensing and Advertising) Act.

Statutory aim to permit gambling

- 1.19 The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

The licensing objectives

- 1.20 The three licensing objectives (s.1 of the Act) which guide the way that the Commission and licensing authorities perform their functions and the way that gambling businesses carry on their activities, 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 persons from being harmed or exploited by gambling.

² 2014 c.17 Gambling (Licensing and Advertising) Act 2014

Codes of practice

1.21 The Commission has the power to issue two types of code of practice. The first is a social responsibility (SR) code. A SR code must be followed and has the force of a licence condition. The Commission may also issue ordinary codes (OC) which are intended to set out industry best practice. They are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective. Both codes are set out in the Commission's Licence Conditions and Codes of Practice (LCCP) or as Gambling codes of practice - consolidated for all forms of gambling.

1.22 S.153 of the Act requires licensing authorities, in exercising their functions, to have regard to the Code of Practice.

Licensing authority discretion (s.153 of the Act)

1.23 Licensing authorities have a broad discretion to regulate local provision of gambling and the Act gives wide-ranging powers to do so. Those include the power:

- to issue a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area
- to grant, refuse and attach conditions to premises licences
- to review premises licences and attach conditions or revoke them as a result.

1.24 In exercising its functions under the Act, s.153 states that the licensing authority shall aim to permit the use of premises for gambling in so far as it thinks 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 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).

1.25 The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Commission, the licensing objectives or the licensing authorities own statement of policy.

1.26 Licence conditions are one method by which it is possible to mitigate risks associated with particular premises. The imposition of licence conditions might be prompted by local risk to the licensing objectives, for example the proximity of gambling premises to a school.

1.27 However, licensing authorities may first wish to have proactive engagement with local operators to encourage them to effectively mitigate risks to the licensing objectives. Such engagement can facilitate an open and constructive partnership which, in turn, can improve compliance and reduce regulatory costs.

1.28 To reflect the breadth of licensing authority discretion, licensing authorities are entitled to request such information from operators as they may require in order to make effective licensing decisions. The Act requires that an application must be accompanied by a minimum level of information (detailed in Part 7 of this Guidance). In the Commission's view, however, this does not preclude reasonable requests from licensing authorities for additional information to satisfy themselves that their licensing decision is reasonably consistent with the licensing objectives and the Commission's codes. That information may include, for example, a suitable business plan or the operator's own assessment of risk to the licensing objectives locally.

Local risk assessments

- 1.29 To improve the exchange of information between licensing authorities and operators, the Commission has introduced SR code provisions to the LCCP that require operators of premises-based businesses to conduct local risk assessments (SR 10.1.1), and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances (OC 10.1.2).

Statement of licensing policy

- 1.30 The statement of licensing policy (statement of policy) is a very important part of the architecture of local gambling regulation and it is expected that licensing authorities will use it to set out the local issues, priorities and risks that inform and underpin its approach to local regulation.
- 1.31 It provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of the local authority area to deal with local risks and issues. It provides clarity of expectation for licensees and prospective licensees about how their businesses are likely to be treated in different localities. The existence of a clear and agreed statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.
- 1.32 The statement of policy is the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority's requirements and approach, including its' view on local risks, to help them comply with local gambling regulation.
- 1.33 More detail on licensing authorities' statement of policy is set out at Part 6 of this Guidance.

Limits on licensing authority discretion

- 1.34 Licensing authorities are subject to some specific constraints in exercising their functions. As set out at paragraph 1.25, s.153 of the Act provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it in accordance with the principles set out in s.153(a) to (d).
- 1.35 Therefore a licensing authority has no discretion 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 objectives or the licensing authority's own statement of policy.
- 1.36 In addition, the Act makes specific reference to factors that must **not** be considered by a licensing authority in exercising its functions under s.153:
- the expected demand for facilities (s.153(2))
 - whether the application is to be permitted in accordance with law relating to planning or building (s.210 (1)).

Other powers

- 1.37 As stated, licensing authorities have a broad discretion to regulate local provision of gambling and they have similar regulatory powers to the Commission with respect to their licensees, including the power to impose conditions and to review licences. They are not able to impose financial penalties but can impose fees relating to the costs of local regulation. They also have wider powers under legislation such as the Licensing Act 2003.

- 1.38 The Act gives licensing authorities a number of other important regulatory functions in relation to gambling. Their main functions are to:
- issue a statement of licensing policy setting expectations of how gambling will be regulated in the area
 - licence premises for gambling activities
 - consider notices given for the temporary use of premises for gambling
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulate gaming and gaming machines in alcohol-licensed premises
 - grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - grant permits for prize gaming
 - consider occasional use notices for betting at tracks
 - register small societies' lotteries that fall below certain thresholds
 - set and collect fees.

Part 2: The licensing framework

- 2.1 The Act creates three types of licence:
- operating licences, which are required by businesses in order to provide gambling facilities lawfully
 - personal licences, which are required by some people working in the gambling industry
 - premises licences, which are required to authorise premises to provide gambling facilities.
- 2.2 The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry.
- 2.3 Licensing authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes. In England and Wales, local authorities have these responsibilities; in Scotland they have been given to licensing boards. The Act also provides a system of temporary and occasional use notices. These enable licensing authorities to authorise premises where there is no gambling premises licence in place, to be used for certain types of gambling for limited periods. Parts 14 and 15 provide more information on temporary and occasional use notices.

Operating licences

Types of operating licence

- 2.4 There are various types of operating licence, linked to different types of gambling activity. S.65 of the Act sets out the types of operating licence that may be issued. Some types of gambling activity may be provided remotely, for example over the internet ('online' gambling) or telephone, or non-remotely such as in land based premises. Some types of licence provide additional permissions, for example to make particular numbers and types of gaming machine available.
- 2.5 Different activities may be authorised by a single operating licence (a 'combined' operating licence) but a single licence cannot authorise both remote and non-remote activity. The different types of licence and their associated permissions are summarised in the table below:

Type of licence	Non-remote gambling authorised	Remote gambling authorised
Casino operating licence	X	X
Bingo operating licence	X	X
General betting operating licence	X	X
Pool betting operating licence	X	X
Betting intermediary operating licence	X	X
Gaming machine general operating licence for an adult gaming centre	X	
Gaming machine general operating licence for a family entertainment centre	X	
Gaming machine technical operating licence	X	X*
Gambling software operating licence	X	X*
Lottery operating licence	X	X

* by means of remote communication

- 2.6 Operating licences are not transferable. However, there are provisions in the Act which deal with circumstances in which control of a company changes hands.

How operating licences are granted

- 2.7 The Commission, like licensing authorities, has a statutory duty to permit gambling insofar as it thinks it is reasonably consistent with the licensing objectives. In considering whether to grant an operating licence, and any conditions that may be attached, the Commission has regard to the licensing objectives, and to the suitability of the applicant, in terms of integrity, competence and finances (including source of finance). The Commission also takes into account the business model proposed and its likely compatibility with the law and the licensing objectives. Putting forward a business model that is incompatible with the licensing objectives is likely to lead to questions of the operator's suitability.
- 2.8 More detail is available in the Commission's Policy Statement for Licensing, Compliance and Enforcement.

Operating licence conditions and codes

- 2.9 Conditions covering a range of matters may be attached to operating licences. Some conditions are set out on the face of the Act, such as the mandatory conditions relating to society lotteries at s.99. The Secretary of State has powers under s.78 of the Act to apply conditions to a class of operating licence – for example, the condition that regulates the number of playing positions at wholly automated roulette tables in casinos. The Commission also has powers to attach conditions either to a class of operating licences, or an individual licence.
- 2.10 Breaching a licence condition is a criminal offence, although the Commission will default to its regulatory rather than criminal powers when considering such a breach. Those powers include warnings, unlimited fines and suspension or revocation of the licence.
- 2.11 The Commission also has the power to issue two types of code. The first is a social responsibility (SR) code. An SR code must be followed and has the force of a licence condition. The Commission may also issue ordinary codes (OC), which are intended to set out best industry practice. They are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are at least equally effective. Both codes are available in the Commission's Licence Conditions and Codes of Practice (LCCP).

Personal licences

- 2.12 The purpose of the personal licence is to ensure that individuals who control facilities for gambling or are able to influence the outcome of gambling, are directly accountable to the Commission. The Commission can impose licence conditions that are specific to personal licences. Such conditions include requirements that the holder takes reasonable steps to avoid causing a breach of an operating licence, keeps up to date with developments in gambling legislation or guidance, and informs the Commission of certain specified key events.
- 2.13 Outside the casino industry, personal licences are usually held by people in key management positions like strategy, marketing, finance and compliance. In the casino industry, people providing the day to day gambling such as croupiers, also currently need a personal licence.

- 2.14 Some licences are subject to a requirement that at least one member of management holds a personal licence. This does not apply to small-scale operators, as defined in regulations made by the Secretary of State³, who are exempt from the obligation.

Premises licences

- 2.15 Where an individual or company uses premises, or causes or permits premises to be used, to offer gambling, they will also need to apply for a premises licence. Detailed information concerning premises licences can be found in Parts 7, 9 and 10 of this Guidance.
- 2.16 Premises licences, and the regulatory tools associated with them, are a key means by which licensing authorities can ensure that risks to the licensing objectives are mitigated effectively.
- 2.17 Premises licences can be granted without conditions or subject to conditions, and can be reviewed or revoked by the licensing authority. Part 9 of this Guidance provides some illustrations of how licence conditions have been used by licensing authorities in a range of circumstances.
- 2.18 Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated and may authorise the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises, including tracks
 - adult gaming centres
 - family entertainment centres.
- 2.19 Except in the case of tracks (where the occupier of the track who holds the premises licence may not be the person who actually offers the gambling), premises licences may only be issued to those who hold a relevant operating licence, or who have applied for one. Premises licences may be transferred to someone else holding a valid operating licence.
- 2.20 In addition to licences, there are other forms of authorisation that a licensing authority may grant, for example, authorisations for the temporary use of premises, occasional use notices and different permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club machine permits.

³ SI 2006/3266: Reg 2 of the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006

Part 9: Premises licence conditions

- 9.1 The Act provides that licences may be subject to conditions in a number of ways:
- they may attach automatically, having been set out on the face of the Act
 - they may attach through regulations made by the Secretary of State or Scottish Ministers
 - they may be attached to operating and personal licences by the Commission
 - they may be attached to premises licences by licensing authorities.
- 9.2 Conditions may sometimes be general in nature attaching to all licences or all licences of a particular class, or they may be specific to a particular licence.
- 9.3 Conditions on premises licences should relate only to gambling, as considered appropriate in the light of the principles to be applied by licensing authorities under s.153. 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 appropriate to impose the same through conditions on a premises licence.

Conditions and authorisations by virtue of the Act

- 9.4 The following paragraphs set out specific sections of the Act that provide for conditions to be attached automatically to premises licences, or for authorisations to be granted automatically. The Secretary of State / Scottish Ministers may make regulations requiring these conditions to be set out on the premises licence, and there is no discretion to decide not to include them or to modify them. The table after paragraph 9.18 summarises which sections of the Act apply to which types of premises licences.

S.172 – number of gaming machines

- 9.5 S.172 provides for premises licences to permit a specified number of gaming machines of particular categories in each type of gambling premises. These permissions are set out in detail in Part 16 of this Guidance.

S.173 – betting on virtual events

- 9.6 S.173 authorises the holder of a casino premises licence or a betting premises licence to make facilities available for betting on virtual events. This is separate from betting on virtual events by means of a gaming machine. It is intended to cover facilities such as virtual horse and greyhound racing which are person-to-person transactions, involving virtual images that are not displayed on a machine.

S.174 – gambling in addition to casino games

- 9.7 S.174 authorises the holder of a casino premises licence for a small or large casino to make available the following types of gambling in addition to casino games:
- equal chance games
 - betting – but not in pre-2005 Act casinos with grandfather rights and only with a betting operating licence
 - bingo – but only in large casinos and only with a bingo operating licence.
- 9.8 For the purposes of the Act, equal chance games are ones which do not involve playing or staking against a bank and in which the chances are equally favourable to all players. Licensing authorities must not restrict the equal chance gaming available nor prohibit casino games that have not been prohibited by the Commission. Part 17 of this Guidance provides details of the casino games authorised by the Commission.

S.176 – access by children and young persons to casinos

- 9.9 S.176 requires the Commission to issue at least one code of practice about access to casino premises for children and young persons. In particular, the code must:
- specify steps that the premises licence holder must take to ensure that under-18s do not enter casino premises, including ensuring that each entrance to the casino is supervised by at least one person who is responsible for compliance with the code of practice
 - require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be provided by those seeking to enter the casino or gambling area.
- 9.10 S.176 makes it a condition of the premises licence that the licensee must comply with the code of practice issued by the Commission. Licensing authorities should note that the requirement under s.176 for supervision at each entrance is separate to any other condition that may be attached relating to 'door supervision' more generally.

S.177 – giving of credit

- 9.11 S.177 attaches a condition to casino premises licences and bingo premises licences that prohibits the licensee from:
- giving credit in connection with the gambling taking place on the premises
 - participating in, arranging, permitting or knowingly facilitating the giving of credit in connection with the gambling on the premises.
- 9.12 However, s.177 does not prevent the licensee from contracting a third party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so²¹.
- 9.13 S.177 deals with the prohibition of credit in respect of casino and bingo premises licences. However equivalent prohibitions are placed on bingo and casino operating licences, as set out in s.81 of the Act, credit and inducements.

S.178 – door supervision

- 9.14 If a licensing authority attaches a condition relating to door supervision, and the person carrying out those duties are required by the Private Security Industry Act 2001 (PSIA) to hold a licence, s. 178 of the Gambling Act 2005 prescribes that the requirement under PSIA will be treated as if it were a condition of the premises licence. There is, however, an exemption from the PSIA licensing requirement for in-house employees working as door supervisors at casino and bingo premises, details of which can be found in Part 33 of this Guidance.
- 9.15 S.178 defines door supervision as requiring someone to be responsible for 'guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage'.

²¹ Part 1(5) of The Gambling Act 2005 (Mandatory and Default Conditions) Regulations

S.179 – pool betting

- 9.16 S.179 provides that a betting premises licence in respect of a track may not authorise pool betting to take place, other than in respect of dog or horse racing and only where the acceptance of bets is by the holder of the betting premises licence, or in accordance with arrangements made by them. In the case of dog racing, this preserves the existing arrangements at dog tracks where the totalisator is operated by or on behalf of the occupier of the track. In the case of horse racing, pool betting can only be made available at racetracks by Betfred following their purchase of the Tote. As part of the sale process Betfred received an exclusive seven year licence (until July 2018) to operate pool betting operations on UK racecourses.

S.182 – access by children and young persons to tracks

- 9.17 S.182 applies only to a betting premises licences in respect of tracks. It requires the licensee to ensure that children and young persons are excluded from any area in which facilities for betting are provided and from any area where a gaming machine (other than a category D gaming machine) is situated. The exception to this, for betting areas only, is on race days at dog and horse racing tracks, that is on those days when racing occurs or is expected to take place. In those cases, under-18s may have access to betting areas but licensing authorities should note that this exception does not affect the prohibition on betting by children and young persons.

S.183 – Christmas day

- 9.18 S.183 applies a condition to all premises licences that facilities for gambling must not be provided on Christmas Day, namely the period of 00.01 hours on 25 December until 00.00 hours on 26 December.

Type of premises licence	Section of the Act								
	s.172	s.173	s.174	s.176	s.177	s.178	s.179	s.182	s.183
All premises licences	X					X			X
Bingo premises licence					X				
Casino premises licence		X		X	X				
Small casinos			X						
Large casinos			X						
Betting premises licence		X							
Betting premises licence in respect of a track							X	X	

Conditions attached through regulations made by the Secretary of State or Scottish Ministers – all premises

- 9.19 The Secretary of State and Scottish Ministers have set out conditions to be attached to all premises licences in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 and the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007.²²
- 9.20 Conditions under these Regulations fall into two categories:
- mandatory conditions made under s.167 of the Act that must be attached to premises licences
 - default conditions made under s.168 of the Act, that attach to the premises licence unless the licensing authority decides to exclude them, using its powers under s.169.

²² SI 2007/1409: Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007
SSI 2007/266: Gambling Act 2005 (Mandatory and Default Conditions)(Scotland) Regulations 2007

- 9.21 Licensing authorities should note that mandatory conditions made under these regulations are set with the intention that no further regulation in relation to that matter is required. Therefore, it is extremely unlikely that licensing authorities will need to impose individual conditions in relation to matters that are already dealt with by mandatory conditions. Licensing authorities should only consider doing so where there are regulatory concerns of an exceptional nature, and any additional licence conditions must relate to the licensing objectives.
- 9.22 Mandatory conditions applying to all premises licences are set out at paragraph 9.25 onwards. In addition, there are mandatory conditions that relate to particular category of premises licences. Details of these can be found in Parts 17-22 of this Guidance.
- 9.23 Licensing authorities have more flexibility in relation to default conditions and may exclude a default condition and substitute it with one that is either more or less restrictive. Licensing authorities should note, however, that default conditions are intended to reflect normal industry operating practices. In circumstances where default conditions are excluded, the Commission would generally expect them to be replaced by other conditions, given the requirements of s.153. Where the condition is more restrictive, the licensing authority should ensure that they have clear regulatory reasons doing so.
- 9.24 Default conditions under the regulations set out above relate to particular categories of premises licence and details can be found in Parts 17-22 of this Guidance.

Mandatory conditions

- 9.25 The following mandatory conditions apply to all premises licences:
- the summary of the terms and conditions of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises
 - the layout of the premises must be maintained in accordance with the plan that forms part of the premises licence
 - neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises.
- 9.26 There are also mandatory conditions attaching to each type of premises licence controlling access between premises. There can be no direct access between one premises licensed under the Act and another premises licensed under the Act, with the following exceptions:
- between licensed betting premises
 - between bingo premises and alcohol-licensed premises/clubs with a club gaming or club machine permit/family entertainment centres (FECs) and tracks
 - between tracks and alcohol-licensed premises/clubs with a club gaming or club machine permit/FECs/betting premises and bingo premises
 - between FECs and alcohol-licensed premises/bingo halls/clubs with club gaming or club machine permit and tracks.

Default conditions

- 9.27 S.169 of the Act gives licensing authorities:
- the ability to exclude from premises licences any default conditions that have been imposed under s.168
 - the power to impose conditions on premises licences that they issue.

- 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.

Part 21: Adult gaming centres

- 21.1 Persons operating an adult gaming centre (AGC) must hold a 'gaming machines general operating licence (adult gaming centre)' from the Commission and a premises licence from the relevant licensing authority. They are able to make category B, C and D gaming machines available.

Protection of children and young persons

- 21.2 No-one under the age of 18 is permitted to enter an AGC. The Act sets out offences at s.46 and s.47 of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. In addition, Social Responsibility (SR) code 3.2.3(3) in the *Licence Conditions and Codes of Practice* (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling.
- 21.3 Licensing authorities will wish to have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. This may be of particular importance in areas where young people may be unsupervised for example, where an AGC is in a complex, such as a shopping centre or airport. Licensing authorities should consider whether their statement of policy can be used to reflect such locally based considerations.

Gaming machines

- 21.4 Gaming machine provisions by premises are set out at Appendix A. S.172(1) of the Act, as amended, provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.
- 21.5 Premises subject to a licence granted before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. AGC premises licences granted on or after 13 July 2011 are entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines, but not B3A machines⁶⁶.
- 21.6 Where the operator of an existing AGC premises licence applies to vary the licence and acquire additional AGC premises licences – so that the area that was the subject of a single licence will become divided between a number of separate licensed premises – each separate licensed premises must only contain the permitted machine entitlement. For example, where two separate AGC premises have been created adjacent to each other by splitting a pre-existing premises, it is not permissible to locate eight category B3 gaming machines in one of the resulting premises and none in the other, as the gaming machine entitlement for that premises would be exceeded. Part 7 explains in greater detail what constitutes premises.

AGC premises licence conditions

- 21.7 Part 9 of this Guidance discusses the mandatory and default conditions that attach to premises licences. Currently there are no default conditions specific to AGCs.

⁶⁶ S1 2158 The Categories of Gaming Machine Regulations 2007

Mandatory conditions

- 21.8 A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.
- 21.9 There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit. There is no definition of 'direct access' in the Act or regulations, although licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.
- 21.10 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.
- 21.11 The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

Mandatory conditions attaching to every premises licence

1. The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act 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 private lottery or customer lottery, or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited

Mandatory conditions attaching to adult gaming centre 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.

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