



HILLINGDON
LONDON



Licensing Committee

Date: THURSDAY, 18 APRIL 2013

Time: 10.15 AM

Venue: COMMITTEE ROOM 3
CIVIC CENTRE
HIGH STREET
UXBRIDGE
UB8 1UW

Councillors on the Committee:

Andrew Retter (Chairman)
Josephine Barrett (Vice-Chairman)
Lynne Allen
Mike Bull
Judy Kelly
Peter Kemp
Janet Gardner
Carol Melvin
Brian Stead
David Payne

Meeting Details: Members of the Public and Press are welcome to attend this meeting

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Published: Wednesday, 10 April 2013

Contact: Gill Oswell
Tel: 01895 250693
Fax: 01895 277 373
Email: goswell@hillington.gov.uk

This Agenda is available online at:
<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=257&Year=2013>

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



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Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To confirm that items marked Part 1 will be considered in public and any items marked Part 2 will be considered in private.

Part 1 – Members, Press and Public

	Pages
4 To agree the minutes of the meeting held on 15 January 2013	1 – 4
5 Home Office Alcohol Strategy	5 – 14
6 Recent Gambling Cases - Articles and Press Updates	15 – 26
7 Review of the Council's Statement of Licensing Policy	27 – 28
8 Gambling Commission Code of Practice Update	29 - 68
9 Any Other Business	

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Minutes

LICENSING COMMITTEE

15 January 2013

Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW

	<p>Committee Members Present: Councillors Andrew Retter (Chairman) Lynne Allen Mike Bull Judy Kelly Peter Kemp Janet Gardner Carol Melvin Brian Stead David Payne</p> <p>LBH Officers Present: Stephanie Waterford, Licensing Manager Beejal Soni, Legal Advisor Danielle Watson, Democratic Services Officer</p> <p>Also Present: PC Ian Wares, Metropolitan Police</p>	
17.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Josephine Barrett.</p>	Action by
18.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>	Action by
19.	<p>TO AGREE THE MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2012 (<i>Agenda Item 3</i>)</p> <p>Cllr Retter asked that the minutes of the meeting held on 27 September 2012 be amended. Cllr Retter was there in part of the meeting but not included on the attendee list.</p>	Action by
20.	<p>UPDATE ON HOME OFFICE CONSULTATION ON THE ALCOHOL STRATEGY (<i>Agenda Item 4</i>)</p> <p>Stephanie Waterford, Licensing Manager, updated Members on the Home Office Alcohol Strategy consultation which began on 28 November 2012 for a 10 week period. The aim of the consultation was to tackle health and crime problems, often associated with alcohol consumption.</p>	Action by

Officers had printed off examples of how the proposals for minimum unit pricing of alcohol would affect prices in real terms. Officers explained to Members that the proposals were unlikely to affect responsible drinkers but would hit those with low incomes.

Members discussed the proposed minimum unit price for alcohol for England and Wales and noted the increase in price should the proposals be implemented.

Concerns and suggestions raised by the Committee included:

- The proposals were likely to affect people on low incomes
- Raising the price would not tackle the problems of society in general.
- Would encourage people to bulk buy more 'deals'.
- Lack of community input into the proposals.
- Localism should be more prominent and Local Authorities should be trusted to make their own decisions.
- Local public houses would be at risk.
- The market should be allowed to determine and set prices according to demands.

Members noted that a brand of cider which was often drunk by street drinkers would dramatically increase in price. Members discussed the effect the proposals could have on crime. There was also suggestion that the black market may thrive due to the local proximity of Heathrow Airport.

Members discussed the proposed review of the mandatory licence conditions, but noted that that no firm proposals were included in the Government consultation document making it impossible to form an opinion either way. Members discussed various aspects of the consultation and agreed that more information needed to be given to ensure an informed decision is made by the Committee

Mrs Waterford explained to Members that there were various ways to tackle irresponsible drinking including the 'proof of age' campaign and irresponsible drink promotions. Further conditions could also be imposed through the review process where necessary.

Members noted the proposals on including the health needs and concerns of the area when considering cumulative impact zones. Members requested year on year data by area from both the hospital and the police to give a true indication of the problems caused by alcohol and which problems were more prominent, however this had not been successful. Members agreed that the requested additional information would enable them to make an informed decision as individuals that represent their communities. Members agreed that some joint up work between External Services Scrutiny Committee should take place.

Members discussed license conditions and suggested that license applications should be determined similarly to Planning Committees

	<p>where by if all the relevant information was not present then the item should be deferred for a more thorough investigation.</p> <p>Mrs Waterford explained that the some of the proposals were intended to reduce the burden on businesses for example there would be no legal obligation to publish public notices. Members agreed that although this proposal would reduce legal obligation it would restrict residents from viewing what was happening in their area.</p> <p>Following discussions Members agreed that Ms Waterford and Ms Soni would draft the response to the consultation highlighting the concerns of the Committee.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. the Committee noted the update; and 2. agreed that Ms Waterford and Ms Soni would draft the response to the consultation highlighting the concerns of the Committee. 	
21.	<p>GAMBLING POLICY UPDATE (<i>Agenda Item 5</i>)</p> <p>Officers informed Members about the implementation of the 2013-2016 Gambling Policy.</p> <p>Members discussed the Gambling Policy and noted that the policy was recommended for approval at the next Council meeting, 17 January 2013. Members suggested petitioning the Secretary of State on some changes to the legislation to control saturation of gambling premises. Members agreed that the item would be discussed further at the Council meeting, 17 January 2013.</p> <p>The Committee noted the information provided to them in the update.</p> <p>Resolved: The Committee noted the update.</p>	Action by
22.	<p>LICENSING STATISTICS (<i>Agenda Item 6</i>)</p> <p>Officers gave Members an update on licensing statistics in the Borough, and informed Members that from January 2012 to December 2012 a total of 508 Temporary Event Notices had been granted under delegated authority. A total of 849 premises licences had been granted and 2488 personal licences.</p> <p>Resolved: The Committee noted the update.</p>	Action by
	<p>The meeting, which commenced at 10.00 am, closed at 11.20 am.</p>	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Danielle Watson on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.



HOME OFFICE ALCOHOL STRATEGY

Committee	Licensing Committee
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Officer Contact	Stephanie Waterford x7232
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Papers with report	Appendix 1 – Hillingdon’s response to Home Office consultation
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Ward(s) affected	All
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SUMMARY

To inform the Committee of the response to the Home Office Alcohol Strategy consultation.

RECOMMENDATION

That the committee note the information

INFORMATION

At the meeting of the full Licensing Committee on 15th January 2013, Officers were instructed to prepare a response to the Home Office Alcohol Strategy consultation on behalf of the Licensing Authority.

A copy of the response is attached.



HILLINGDON

LONDON

Alcohol Consultation
Drugs and Alcohol Unit
Home Office
4th Floor Fry Building
2 Marsham Street
London
SW1P 4DF

Ref: 2013/LIC

Your ref:

Date: 6th February 2013

Dear Sirs,

ALCOHOL STRATEGY CONSULTATION RESPONSE

Further to the Home Office consultation on the alcohol strategy, please find attached the response from the London Borough of Hillingdon Licensing Authority.

Yours faithfully

Councillor Andrew Retter
Chairman, Licensing Committee

Licensing Authority
T.01895 277433 F.01895 250011
licensing@hillington.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
Civic Centre, High Street, Uxbridge, UB8 1UW



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Minimum Unit Pricing

Consultation Question 1:

Do you agree that this MUP level would achieve these aims?

No.

It is the view of this Committee that, whilst the introduction of Minimum Unit Pricing will drive up the price of the cheapest brands of alcohol, it will not prohibit those persons who wish to obtain alcohol, from obtaining it. The Committee is concerned that levels of shoplifting and crime would increase where certain individuals would have to pay a higher price for their alcohol.

The Committee also believes that any reduction to alcohol related harm as a result of the introduction of the MUP will be extremely difficult to quantify.

Consultation Question 2:

Should other factors or evidence be considered when setting a minimum unit price for alcohol?

Yes.

Whilst the Committee is of the view that the introduction of MUP will not have an effect on the amount of applications requiring consideration, the Committee would like to see the saturation of licensed premises be taken into account when determining licence applications. The recent proliferation of off licences has made alcohol freely available on every street corner. More powers should be given to Licensing Authorities to take saturation into account when making determinations.

This is something that our residents would also like to see introduced as it is something that is brought up time and time again in Licensing Sub-Committee hearings where both residents and Committee Members are frustrated that new licences are issued despite a plethora of licensed premises operating in the vicinity.

Consultation Question 3:

How do you think the level of minimum unit price set by the Government should be adjusted over time?

Do nothing – legal challenges will resolve these issues.

Any introduction of MUP will require publicity, communication with licence holders and additional enforcement which will require an adjustment to licence fees.

Consultation Question 4:

The aim of minimum unit pricing is to reduce the consumption of harmful and hazardous drinkers, while minimising the impact on responsible drinkers. Do you think that there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol?

Yes.

The Committee believes that the introduction of MUP would penalise responsible low income drinkers. Many people on low incomes enjoy alcohol responsibly and MUP could mean that these individuals can no longer afford to buy alcohol for their day to day socialising needs and for special occasions and celebrations.

Ban on Multi-buy promotions

Consultation Question 5:

Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

No.

This Committee is of the view that the proposals will not achieve the objective because they deal with marketing tactics than actual sale and purchase quantities. This is mainly due to the wording of all the promotions listed. The end result of permitted half price sales is that patrons can still buy two for the price of one – are these not the same? Traders will still be able to offer promotions if worded correctly. Bargain hunting for the best price is normal consumer behaviour and this will continue even if promotions are banned.

Consultation Question 6:

Are there any further offers which should be included in a ban on multi-buy promotions?

No. These will be just as ineffective as the existing proposals.

Consultation Question 7:

Should other factors or evidence be considered when considering a ban on multi-buy promotions?

None

Consultation Question 8:

The aim of a ban on multi-buy promotions is to stop promotions that encourage people to buy more than they otherwise would, helping people to be aware of how much they drink, and to tackle irresponsible alcohol sales. Do you think that there are any other groups that could be particularly affected by a ban on multi-buy promotions?

Yes.

Responsible drinkers will be affected by having to pay more for their alcohol. Advertising and marketing representatives will also be affected by placing restrictions on promotions. Customers will always maximise the opportunities for best value for money with any disposable income that they may have.

Reviewing the Mandatory Conditions

Consultation Question 9:

Do you think each of the mandatory licensing conditions is effective in promoting the licensing objectives (crime prevention / public safety / public nuisance / prevention of harm to children)?

a) – Irresponsible promotions

The Licensing Authority does not believe that these have had any effect on bars/clubs because there is currently no definition of an irresponsible promotion.

The existing wording makes any enforcement action extremely difficult and we are not aware of any cases where a successful prosecution has taken place.

b) – Dispensing alcohol directly into the mouth

N/A as this promotion was extremely limited.

c) – free tap water

The Licensing Authority can see the benefits of having this condition imposed upon premises licences however, we are unsure about which of the prime licensing objectives are specifically being promoted.

d) – Age verification

The Licensing Authority can see the benefits of this condition in terms of protecting children and the prevention of crime.

e) – Smaller measures

As with the mandatory condition relating to free tap water, the Licensing Authority can see the benefits but cannot place it under any of the licensing objectives specifically

Further clarification or revision of the conditions relating to irresponsible drinks promotions is encouraged. We are of the opinion that the existing conditions are extremely difficult to enforce and we are not aware of any cases from other Local Authorities where enforcement action has been taken in respect of these conditions.

Consultation Question 10:

Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?

N/A – It is felt that individual Licensing Authorities are best placed to decide what conditions are appropriate to address the needs and concerns of a particular premises in a particular area.

Consultation Question 11:

Are there other issues related to the licensing objectives (prevention of crime and disorder / public safety / prevention of public nuisance / protection of children from harm) which could be tackled through a mandatory licensing condition?

No.

It is felt that individual Licensing Authorities are best placed to decide what conditions are appropriate to address the needs and concerns of a particular premises in a particular area.

It has been noted that the consultation document does not contain any proposals for mandatory conditions so we are unable to consider how this Authority is likely to deal with any changes or revisions. We would like an opportunity to give further feedback on any proposals before they are finalised.

Consultation Question 12:

Do you think the current approach, with five mandatory licensing conditions applying to the on-trade and only one of those to the off-trade, is appropriate?

This Committee believes that the existing Mandatory Conditions for the Off-Trade are appropriate. Any further measures necessary to promote the Licensing Objectives may be imposed by the Licensing Authority at the time of determination.

Licensing Authorities are best placed to decide what conditions are appropriate to address the needs of a particular premises in a particular area.

Health as a Licensing Objective for CIP's

Consultation Question 13:

What sources of evidence on alcohol-related health harm could be used to support the introduction of a cumulative impact policy (CIP) if it were possible for a CIP to include consideration of health?

Local addiction centres, hospitals admissions, GP records and Police call outs could be analysed to produce evidence relating to alcohol related harm. The great challenge would be for Local Authorities in obtaining these figures. The London Borough of Hillingdon Licensing Authority has made numerous attempts over the years to obtain similar data without success. If Local Authorities are to rely on this information, then it must be made available at least annually to local authorities.

Consultation Question 14:

Do you think any aspects of the current cumulative impact policy process would need to be amended to allow consideration of data on alcohol-related health harms?

No

Consultation Question 15:

What impact do you think allowing consideration of data on alcohol-related health harms when introducing a cumulative impact policy would have if it were used in your local area? Please provide evidence to support your response.

The Licensing Authority has considered a number of cases for new premises licences where concerns have been raised about their proximity to local health and addiction services. The Licensing Sub-Committee has felt powerless to address concerns about Public Health and vulnerability issues associated with alcohol under the existing controls. The Licensing Authority would consider pursuing the introduction of a cumulative impact policy relating to public health concerns in areas immediately surrounding local addiction and health centres.

Freeing up Responsible Businesses

Consultation Question 16:

Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business, and/or be available to all types of business providing they met key criteria for limited or incidental sales?

No to all options.

This Committee strongly believes that all sales of alcohol be regulated to ensure protection of the public and the promotion of the Licensing Objectives. The Committee feels that no supplies of alcohol should be made exempt. Any deregulation of alcohol supplies would be open to abuse by certain traders. Currently, Licensing Officers operate a pro-active approach to enforcement and compliance and any exemptions would create a reactive system of enforcement whereby the damage has already been carried out. The Licensing

Authority cannot be satisfied that a business is going to operate responsibly without going through a licensing process and demonstrating how they plan to operate and manage their business.

Consultation Question 17:

If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of premises, do you think it should apply to the following?

No to all options.

The Committee believes that no sales/supplies of alcohol should be exempt.

Consultation Question 18:

Do you have any suggestions for other types of businesses to which such special provision could apply without impacting adversely on one or more of the licensing objectives?

NA

The Committee believes that no sales/supplies of alcohol should be exempt.

Consultation Question 19:

The aim of a new 'ancillary seller' status is to reduce burdens on businesses where the sale of alcohol is only a small part of their business and occurs alongside the provision of a wider product or service, while minimising loopholes for irresponsible businesses and maintaining the effectiveness of enforcement (see paragraphs 9.2 and 9.3). Do you think that the qualification criteria proposed in paragraph 9.6 meet this aim?

No.

The Licensing Authority is of the opinion that the current system of authorisation is a good starting point for enforcement. We would not support deregulation of this area.

Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers?

N/A

The Licensing Authority is of the opinion that the current system of authorisation is a good starting point for enforcement. We would not support deregulation of this area.

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives?

Yes.

The Licensing Authority is of the opinion that the current system of authorisation is a good starting point for enforcement. We would not support deregulation of this area. The licensing objectives would certainly be compromised if a light touch form of authorisation is introduced. All residents would be opposed to such measures being introduced.

Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?

NA.

The Licensing Authority is of the opinion that the local Licensing Authority should determine such matters on a case by case basis.

Consultation Question 23:

Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process?

No.

Tinkering with the existing system of authorisation will only create confusion. We would not support deregulation of this area. It is felt that Temporary Event Notices are the ideal system for authorising these types of events.

Consultation Question 24:

What impact do you think a locally determined notification would have on organisers of community events?

N/A

The Licensing Authority is of the opinion that the system of regulation works well so no changes are necessary. We would not support deregulation of this area. It is felt that Temporary Event Notices are the ideal system for authorising these types of events.

Consultation Question 25:

Should the number of TENs which can be given in respect of individual premises be increased?

No. The Licensing Authority believes that the current system is already being abused by certain individuals. Licensing Authorities work extremely hard to ensure that the TEN's system is properly implemented and adhered to. Further increases on limits for TEN's would open the doors to abuse by applicants. The TEN's system has already been changed in 2012 to increase the amount of days available for premises. Hillingdon has already seen an increase in complaints generated from TEN's served by licensed premises to extend their hours of operation. Many complaints concern antisocial behaviour not generally involving crimes or noise so would not necessarily be caught by the powers held by the Police or our colleagues in Environmental Protection.

Consultation Question 26:

If yes, please indicate which option you would prefer:

None

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

No.

The Licensing Committee agrees that the current system works well and should not be subject to any change.

Consultation Question 28:

Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment?

The London Borough of Hillingdon does not have any MSA within its jurisdiction so does not wish to make any comments on this proposal.

Consultation Question 29:

Please describe any other types of premises to which you think a nationally prescribed exemption should apply?

None

Consultation Question 30:

Do you agree with each of the following proposals?

A) Remove the requirements for advertising –

No.

It has been our experience that most residents respond to applications after reading public notices in the local papers. Many people in the community rely on public notices to keep abreast of applications in their local area. Many people do not regularly check the Council website or walk around their local area so would rely on public notices.

D) Remove or simplify the requirements to renew personal licences –

No.

This suggestion will further compromise the weak powers that exist to administer and enforce personal licences. It is noted that the consultation refers to licence holders having responsibility to keep the licensing authority informed of any changes. It is important to note that there are many many licence holders who have not informed us when they move addresses or receive a conviction. The Licensing Authority believes that controls in this area need to be strengthened, not weakened.

The Licensing Authority does not wish to comment on proposals B & C as we do not currently have any MSU's in our area.

Consultation Question 31:

Do you think that each of the following would reduce the overall burdens on business?

N/A – see Question 30.

Consultation Question 32:

Do you think that the following measures would impact adversely on one or more of the licensing objectives?

Yes.

The Licensing Authority is of the view that the licensing objectives would be undermined if deregulation occurred in these areas.

Consultation Question 33:

In addition to the suggestions outlined above, what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

NA

Consultation Question 34:

Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?

NA

Consultation Question 35:

Do you have any comments on the methodologies or assumptions used in the impact assessments? If so please detail them, referencing clearly the impact assessment and page to which you refer.

NA

RECENT GAMBLING CASES - ARTICLES & PRESS UPDATES

Committee	Licensing Committee
Officer Contact	Stephanie Waterford x7232
Papers with report	Appendix 1 – Articles from national press Appendix 2 – Articles from the Licensing Journal
Ward(s) affected	All

SUMMARY

To inform the Committee of some recent articles in the national press and the IOL Licensing Journal.

RECOMMENDATION

That the committee notes the information

INFORMATION

There has been a high amount of discussion and interest recently in the press regarding the increase of betting shops.

Two articles are attached from the Guardian and also the Mail. (APPENDIX 1)

The Institute of Licensing have also sought to offer some views in recent editions of the Licensing Journal.

These articles are attached as APPENDIX 2.

MailOnline

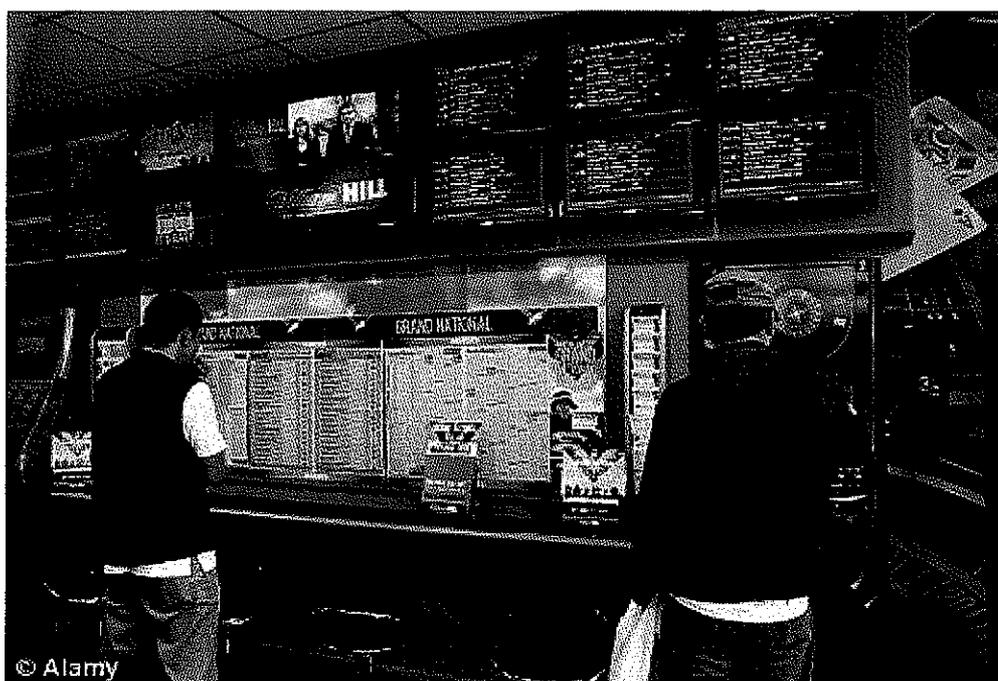
Council with 130 betting shops within eight square miles probes link between gambling and crime

By Sarah Bridge

PUBLISHED: 22:22, 9 March 2013 | **UPDATED:** 09:52, 10 March 2013

The largest licensing authority in the country is launching a special task force to investigate the effects of betting shops in a further sign of a backlash against bookmakers by local authorities.

Westminster City Council has 130 betting shops in its eight square miles of Central London as well as several casinos.



© Alamy

High stakes: An application for a new betting shop similar to the one pictured was rejected by Newham Council

The council is trying to establish if there is a link between crime and gambling and whether the public is being sufficiently protected.

Its licensing sub-committee recently turned down applications by several bookmakers to extend opening hours.

Its chairman, councillor Audrey Lewis, said: 'There is something about the Gambling Act that makes it very difficult to turn applications down and it needs redrafting.'

'We are not looking to make a moral judgment, but there is obviously money being spent here that would otherwise be spend on other goods and services.'

'We are concerned whether all the crimes associated with betting shops are being fully reported.'

Last month, Newham Council in East London became the first authority to reject a new betting shop –

saying it would make more money from machines than traditional betting – and is calling for the laws to be changed.

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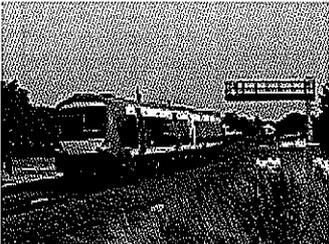
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The local authority said this meant the application did not meet the licensing conditions of 2005 Gambling Act – the first time such a power has been exercised.

Newham, one of the country's poorest areas, has more than 80 betting shops – six per square mile – with five new shops opening each year. Paddy Power has a dozen in the borough and is applying to open three more this year.

Councillor Ian Corbett, who chairs the council's licensing subcommittee, said one road had 18 betting shops: "We need to encourage diversity on the high street. It's just one betting shop after another," he said.

"Betting shops we think generate 80% of their income from fixed-odds betting terminals [FOBTs]. They are not making money from over-the-counter bets any more. I am not against gambling, but this clustering in our borough drives crime. It's a crime generator."

Paddy Power said it disagreed with the decision and would appeal, with a hearing set for June in the local magistrates court. Industry experts expect magistrates will consider the matter to be of such seriousness that it will have to go to the high court, potentially halting all applications for new betting shops until it is resolved.

The issue is a vital one for bookies: FOBTs yield £1.4bn a year and machine income generates half of betting shop profits, up from 40% in 2008.

However, local authorities say there is a price to pay in terms of crime and addiction, and have warned of an over-concentration on poor high streets.

In Liverpool, environmental health officers were surprised to find 41 shops open in the deprived borough of Knowsley, with at least 137 FOBT machines.

The council has banned the opening of new betting shops and instigated a review of the "potential economic and social impact of fixed-odds terminals within betting shops on residents within the borough given the potential for individuals to lose significant sums of money in a short period of time".

In the Medway area of Kent, Tory and Labour councillors have joined forces over the issue and called for a meeting with the Association of British Bookmakers (ABB). Medway council says FOBT machines are a particular problem as they offer quickfire casino games allowing players to stake up to £100 on a 20-second spin of the wheel.

Vince Maple, Labour leader on the council, said the ABB had responded "very aggressively" at first. "We are having people contact us losing thousands of pounds and lives being ruined because of gambling debt. When I and the Tory leader of the council, Mike O'Brien, wrote to the industry about our concerns, the ABB said we were making false and offensive suggestions. I don't think that is very constructive."

The government is consulting over whether to lower the maximum stake on FOBTs from £100 to £2, saying it "cannot ignore the persistent concerns from many stakeholders and local communities about these types of gaming machines and their potential impact on problem gambling".

The ABB denied there was any problem with the machines and said it had engaged constructively with councils, including Medway. "Gaming machines are a popular product enjoyed by millions of people across the country and machines have been located in betting shops for 10 years without any discernible increase in problem gambling levels," it said.

It said Newham's decision was based on a "misconception that there must be more profit or turnover from betting than machines to satisfy primary gambling activity. That is simply not the case."

- This article was amended on 2 March 2013 to remove a reference to an ABB meeting in London to discuss the controversy surrounding the machines. The ABB has denied it is holding such a meeting.



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What control do licensing authorities have over betting premises?

Betting offices have proliferated on high streets in recent years, and although some of them have been associated with problems of social disorder, many local authorities have felt unable to reject applications to open new ones. In the first of a two-part look at betting shops that will be concluded in the next issue, **Gerald Gouriet QC** argues that the authorities have more power than they appear to realise

The current situation

There is a misconception shared by many licensing authorities that they have practically no power to prevent an unwanted increase in the number of betting offices opening on their high-streets.

The groundswell of concern came into prominence in a recent Channel 4 *Dispatches* documentary¹. Some betting shops, particularly in the more deprived and densely populated areas, seem to attract groups of punters who loiter immediately outside, often the worse for drink, making certain pavements a no-go area for intimidated shoppers/residents. There are reports of disorder of one kind or another breaking out *inside* betting shops, and the police having to be called, whether because a disgruntled punter becomes violent over a disputed bet, or there is fighting amongst the customers themselves for no identifiable reason. Vandalism of gaming machines (presumably in an attempt to steal the money in them) is commonplace. There are even armed robberies of betting offices, in areas where crime is high enough already, with guns pointed at behind-the-counter staff.

It would be strange indeed if the Gambling Act 2005 gave no power to a licensing authority to say “enough is enough” in those circumstances, and refuse a licence for yet another betting shop that, on the evidence, was likely to attract the same attendant problems: but that is precisely the interpretation of the legislation, wrong in my view, that has been allowed to hold sway in licensing districts in many parts of the UK.

The 2005 Act, so the argument runs, does not permit a licensing authority to refuse a licence to an applicant save in

the narrowest of circumstances. And those circumstances rarely, if ever, apply to an application made by one of the respected national bookmakers.

The statutory obligation to “aim to permit” gambling in premises

The source of the misconception is section 153(1) of the 2005 Gambling Act, which it is worth citing in full:

- Section 153 Principles to be applied**
- (1) In exercising their functions under this Part a licensing authority *shall aim to permit* the use of premises for gambling insofar as the authority think it -
 - (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the [Gambling] Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the [policy] statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

[italics added]²

The licensing objectives are given by section 1, which provides –

Section 1 The licensing objectives

- In this Act a reference to the licensing objectives is a reference to the objectives of –
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or

1 August 6, 2012.

2 Gambling Commission Guidance (@ 5.5) describes the italicised words as creating a “presumption in favour of [grant]”.

What control do licensing authorities have over betting premises?

- 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.

The expressed purposes of the 2005 Act were to consolidate and *deregulate* gambling, and section 153 is the embodiment of those purposes. Introducing the White Paper which preceded the Gambling Bill, the Secretary of State³ wrote:

It has been clear for some time that these laws are in need of reform. They are very complicated, and hard for the general public to understand...

...above all they were enacted or have their roots in an era when gambling was widely regarded as an activity which was at best morally questionable. The legal framework for gambling is one of grudging toleration...

...There is a powerful case for lifting regulatory burdens on an industry which has built a world reputation for integrity...

... In the Government's view the law should no longer incorporate or reflect any assumption that gambling is an activity which people should have no encouragement to pursue. It is an important industry in its own right, meeting the legitimate desires of many millions of people and providing many thousands of jobs.

But while section 153 is certainly permissive - the licensing authority "shall aim to permit the use of premises for gambling..." - it falls far short of requiring the grant of a licence whenever an applicant jumps the statutory hurdles set out in the section, namely being in accordance with the relevant Gambling Commission Code of Practice and Guidance, being reasonably consistent with the licensing objectives and being in accordance with the authority's own Policy Statement.

If a grant were mandatory in those circumstances, it would have been easy for the section to have said so. But it doesn't. It says that the authority should aim to permit, not that the authority must permit. "Aim to permit" is merely a steer, albeit a strong one, to look favourably on an application, all other things being equal.

The regrettable resonance of repealed law

The widespread misreading of section 153 has its origins, perhaps, in the very different provisions of the repealed Betting, Gaming and Lotteries Act 1963, which governed the licensing of betting offices until 2007. Paragraph 19 of Schedule 1 to the 1963 Act was headed: "Grounds for refusal to grant or renew a betting office licence." Paragraph 20(1) read: "Save as provided by [paragraph 19] of this Schedule the appropriate authority shall not refuse any application for the grant or renewal of a... betting office licence."

Although there are no equivalent provisions in the Gambling Act 2005, the approach to the licensing of betting offices under the 1968 Act - no refusal unless one

of the stated grounds is made out - seems to have lingered with practitioners and influenced their interpretation of Section 153.⁴ Applications are being decided under the mistaken impression that unless there is a failure to meet the requirements of section 153(1)(a)-(d) "the discretion to refuse is not engaged". The position is, in fact, the other way around: unless the requirements of section 153(1)(a)-(d) are met, there is no discretion to grant.

So it is that some licensing authorities have been persuaded that because the prevention of street drinking and nuisance are not licensing objectives, they cannot be taken into consideration in the determination of a betting premises licence application. Similarly, the clustering of betting offices, the "degeneration" of high streets - even incidents of armed robbery, where "gambling" is not the reason for the crime, but the mere presence of large sums of money is - are frequently ignored, albeit with an expressed reluctance, as irrelevant considerations.

The point has been missed that an application's being in accordance with the relevant Gambling Commission Code of Practice and Guidance, and being reasonably consistent with the licensing objectives and being in accordance with the authority's own Policy Statement, takes us to the point where the licensing authority must "aim to permit" - but no further. In the exercise of its residual discretion there is nothing in the Act to prevent a licensing authority, on the back of cogent evidence, having regard to nuisance, general disorder, damage to high street regeneration, robbery, etc, as factors speaking against the grant of a betting premises licence.

Support for the existence of a discretion to refuse

The fact that section 153 of the 2005 Act leaves room to refuse, even when what I have called the "statutory hurdles" are overcome, is illustrated by subsection (2), which reads: "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." That subsection can only be necessary if a licensing authority is entitled to refuse notwithstanding the steer of section 153(1).

If it were otherwise, and a refusal was bound to follow when the statutory requirements (the four "hurdles") of section 153(1) were satisfied, then section 153(2) would be wholly redundant.

The same can be said of section 210(1), which reads: "In making a decision in respect of an application under this Part a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted

⁴ It is also possible that the current misinterpretation of the Gambling Act 2005 can be traced to the deceptively *similar*, but fundamentally *different* regime created by the Licensing Act 2003 in respect of pubs and bars etc., which *does* indeed confine licensing authorities to decisions which relate directly to the 'promotion' (or otherwise) of the hallowed 'four licensing objectives'. Critically, the earlier legislation (which did supply much of the structure and design of the 2005 Act), contains no section corresponding to the 'aim to permit' provision.

What control do licensing authorities have over betting premises?

in accordance with the law relating to planning or building.” Again, if section 153(1) created an obligation to grant, rather than a steer to look favourably on an application, then section 201, as well as 153(2), would have no purpose. It is unlikely that a High Court would interpret the Gambling Act in such a way as to render two of its important sections purposeless and unnecessary. The sections have a function; and that function illustrates that there is a discretion to refuse a betting premises licence, notwithstanding the steer in section 153.

Powers on a review

It is also worth noting the powers of a licensing authority on a review: one may take, for example, the broad discretion expressly given by section 200(2)(b) of the Act, which empowers the authority to instigate a review of the licence. The subsection provides –

Section 200 Initiation of a review by the licensing authority

- (2) A licensing authority may review any matter connected with the use of premises in reliance on a premises licence if the authority ...
- (a) ...
 - (b) *for any reason (which may relate to the receipt of a complaint about the use of the premises) think that a review would be appropriate.*^[italics added]

Section 201(5) of the Act goes on to provide that, in considering whether to take action under section 202 (revoke or suspend the licence; add, remove or amend conditions) -

“... the licensing authority shall have regard (*in addition to the matters specified in section 153*) to –

- (a) any representation made in accordance with section 197(6) or 200(5)
- (b) any representations made at the hearing of the review (if there is one), and
- (c) [the grounds on which the review was instigated].

The words I have italicised (in section 200(2)(b), and section 201(5) in particular) make it plain that, on a review, regard may be had to considerations going beyond the “principles to be applied” given by section 153. If that is so on a review of a licence, why not on an application for grant? The basis on which the grant of a licence may be refused are usually, and for good reason, mirrored by the

basis on which a licence may be taken away⁵. In my view the provisions in the 2005 Act relating to review lend significant support to there being a much wider discretion to refuse betting premises licences than has so far been recognised⁶.

Conclusion

In plain English, there is a self-evident gap between “shall aim to permit” and “shall permit”. The Statute is unhelpfully silent on what circumstances might legitimately pull the aim away from the target. But that indicates a broad, rather than a narrow, discretion. Only two matters are ruled out of consideration: likely demand, and likely planning permission. The remaining discretion, it would seem, is to be found in the familiar territory that lies between the good sense of the licensing authority and *Wednesbury* unreasonableness.

The variety of circumstances in which there may be a lawful refusal cannot be drawn up in a pre-defined list. But an authority aiming with the best will in the world to permit the use of premises as (perhaps “yet another”) betting office may well find that police and residents’ complaints of intimidating street drinkers loitering outside the existing betting offices, or disorder (fighting) amongst disgruntled punters, or the vandalising of gaming machines - not to mention the small matter of armed robberies - swing the committee’s gun-sights irresistibly away from permitting premises to be used for gambling and towards a perfectly legitimate refusal of a licence.

Gerald Gouriet QC

Barrister, Francis Taylor Building

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- 5 See, for example, the Licensing Act 2003, where the same test applies (whether the proposed action is appropriate for the promotion of the licensing objectives) on applications and reviews.
- 6 Further support is found in Section 202(3), which reads – “A licensing authority may, in particular, take action under subsection (1)...” - i.e. revoke, suspend, add, remove or amend conditions – “...on the grounds that the licensee has not used the licence.” The use of the phrase “in particular” seems to me to indicate that there is a broad discretion to take action under subsection (1) in a variety of circumstances, one *example* (merely) of which is given; i.e. the licensee’s not using the licence.

What control do licensing authorities have over betting premises? Part 2

In his follow-up article on whether licensing authorities are behaving too permissively towards betting premises applications, **Gerald Gouriet QC** examines the crucial need for evidence, rather than personal distaste, in arriving at a decision

In the first of two articles about betting offices and the perceived problems of their proliferation, published in the last issue of this journal¹, I dealt with the existence of a discretion to control the number of betting offices in the area of any licensing authority that had particular concerns. (There had been a widespread misconception that new laws were needed in order to address evidenced crime and disorder and under-age gambling – the flames being fanned by sensational television programmes masquerading as responsible journalism.)

The *existence* of a discretion to take action having been established in the last journal, this article will address the *exercise* of that discretion. The discussion falls under five headings:

- The duty not to exercise a statutory discretion so as to frustrate the policy and purposes of the Act.
- The continuing duty under section 153 of the Gambling Act 2005 to “aim to permit” premises to be used for gambling.
- The need for evidence.
- The relevance of planning decisions.
- The powers on a review.

Policy and purposes of the Act

The case of *Padfield v Minister of Agriculture Fisheries and Food*² decided that even if a statute gives what looks like an unfettered discretion (in that case it was to a Minister) in unqualified terms, it should not be exercised so as to frustrate the policy and objects of the Act. The policy of the Gambling Act 2005 is manifestly permissive. Section 153 requires that in exercising its functions a licensing authority *shall aim to permit* the use of premises for gambling insofar as the authority think it in accordance with the Gambling Commission’s Codes of Practice and Guidance, and with the authority’s own statement of policy, and reasonably consistent with the licensing objectives.

It follows that the discretion described in my first article

(i.e. the discretion found in the gap between “shall aim to permit” and “shall permit”) must not be exercised so as to frustrate the permissive purposes of the Gambling Act. Indeed, on *Paterson’s* reading (cited below), the duty is to promote those purposes, if that can be done while maintaining accordance with the Gambling Commission Codes and Guidance, and reasonable consistency with the licensing objectives, etc. With regard to the latter, it should not be overlooked that *reasonable* consistency is what is required, and not absolute consistency.

Continuing duty to aim to permit

The fact that a licensing authority has a discretion to refuse (only to be exercised where the evidence justifies a refusal – see below) does not absolve the authority from its continuing duty to try to find a way of granting if it can. The editors of *Paterson’s Licensing Acts* put it in this way:

[Section 153] appears to place a duty upon the Licensing Authority to exercise their powers so far as is lawfully possible to achieve the position in which they can grant the premises licence and thus permit the use of premises for gambling...³

It is important to remember that the “aim to permit” requirement of section 153 applies to *all* the licensing authority’s functions under Part 8 of the Act. Those functions include the authority’s making a representation (as a responsible authority) on a fresh application. If such a representation by a licensing authority reads like a letter of objection from a resident or the police requesting the rejection of an application (I have encountered such), it is unlikely to be held by a district judge or High Court on appeal as consistent with “aiming to permit”, and to that extent may well be found *ultra vires* and unlawful. It is frequently the case that the solution to perceived problems can be found in the imposition of suitable conditions on a licence, rather than a refusal of the licence outright: any representation made by the licensing authority itself should be looking, *and genuinely looking*, for such a solution.

1 Gouriet, What control do licensing authorities have over betting premises?, (2012) 4 JoL 26.

2 [1968] AC 997 HL.

3 *Paterson’s Licensing Acts 2013*, para 6.158 (page 74).

The need for evidence

The need for evidence remains the single most important consideration on any contested hearing for a new betting premises licence. I have often encountered representations that are not evidenced at all, but are merely articulated fears which, however understandable as *fears* for the future, cannot be treated as evidence of anything other than what they are – concerns as to an outcome which may or may not happen. As such, they should not be allowed, standing by themselves, to sway an application in the direction of refusal. Glidewell J said in the *Dransfield* case:⁴ “[the licensing authority] cannot properly guess or simply make assumptions...” In other words, the licensing authority should not assume the worst, however understandable the fear. Much the same was underlined in the *Thwaites* case:⁵ “They proceeded without proper evidence and gave their own views excessive weight... in all the circumstances their decision was unlawful.”

The mere apprehension of unwelcome consequences if a new betting office is permitted – increased levels of crime and disorder, etc. – is not enough. It is no more than speculation. Whereas in the normal run of civil litigation it might be permissible to conclude, *on the balance of probabilities*, and on the evidence, that such and such a catastrophe will be the result of a given proposal, the continuing “aim to permit” requirement of section 153 of the Gambling Act would seem to make it necessary, in most cases if not all, to give the benefit of any doubt (“may or may not happen”) to the applicant for the premises licence. It does not seem to me to be possible to square “aiming to permit” with giving the benefit of the doubt to those who have expressed no more than fears as to the consequences of permitting. Of course there might be cases where the *inevitability* of serious adverse consequences justifies refusal; otherwise there would be no purpose in giving the licensing authority a discretion. But in practice such cases will be few and far between.

Relevance of planning decisions

It is far from uncommon on an application for a betting premises licence for concerns about rising crime and disorder, street drinking, etc., or the proximity of schools, to have reared their heads on a planning appeal relating to the same premises. The *Dransfield* case I have mentioned above contains an important *dictum* from Glidewell J that is too frequently overlooked:

If a [planning] inspector... has specifically dealt with a particular issue, and expressed his view or conclusion on that issue, it is clear that his view or conclusion must be given great weight by the [licensing authority] and there would have to be good reason for rejecting that view or conclusion.

I have heard a planning inspector’s carefully considered conclusion (on precisely the issue, and on identical evidence, as that before the licensing authority) rejected because the inspector was “probably not a local man” (I paraphrase the actual words). Whether that is what Glidewell J had in

mind as a “good reason” is to be doubted.

The powers on review

The express powers of a licensing authority on a review are wider than those which by implication they have at their disposal when considering an application. If the “benefit of the doubt” has (rightly) been given to an applicant, despite the representations of local people as to the feared consequences, and if when the betting office opens those fears are realised, then not only may the residents bring a review, but the licensing authority may do so, of its own volition and independently of any residential or other complaint. The following provisions of the Act illustrate the breadth of the powers of a licensing authority on a review:

*A licensing authority may review any matter connected with the use of premises in reliance on a premises licence if the authority... for any reason... think that a review would be appropriate.*⁶

*In considering whether to take action of a kind specified in section 202(1) [revocation, suspension, amendment of conditions] the licensing authority shall have regard [in addition to the matters specified in section 153] [the “principles to be applied”] to... any representation made at the hearing of the review.*⁷ [The underlining is mine.]

I cannot see the need for any further powers to be given to a licensing authority to deal proportionately and effectively with real *and evidenced* problems, should they arise after the opening of a betting office. I am unaware, however, despite having heard innumerable predictions of increased crime and disorder, etc., if a new betting premises licence be granted, of any review having been brought, whether by residents, police or the authority themselves, on the ground that those predictions have been proved all-too accurate. One has to ask, why? It is difficult to find any justification for the frequently-expressed fears as to adverse consequences arising from a grant, in the absence of successful reviews in which it has been held that those consequences have materialised.

Conclusions

The overall scheme of this legislation (along with its relation, the Licensing Act 2003) is that of permissiveness at the stage of grant, balanced by wide powers of adjustment on a review if things should not go as well in practice as was hoped on application – including the power to revoke the licence. It is important that a proper understanding of that scheme, and in particular the protective strength of the legislation given by the review regime, is not abandoned in favour of misplaced objections (and refusals) at the application stage – too many of which have had to come before a district judge on appeal to be corrected, at a high cost to the appellant and the taxpayer, which is on many occasions unnecessary, and is sometimes inexcusable.

Gerald Gouriet QC

Barrister, Francis Taylor Building

4 *R v Manchester Crown Court ex parte Dransfield Novelty Company Limited* [2001] LLR 556.

5 *Daniel Thwaites Plc v Wirral Borough Magistrates’ Court* [2008] EWHC 838 (Admin).

6 Gambling Act 2005, section 200(2)(b).

7 Gambling Act 2005, section 201(5)(b).

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REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

Committee	Licensing Committee
Officer Contact	Stephanie Waterford
Papers with report	None
Ward(s) affected	All

SUMMARY

The Licensing Act 2003 requires the Council, as the Licensing Authority, to review its statement of licensing policy every 3 years. This is the third full review of the policy since the implementation of the Act in 2005. The Council will need to approve and adopt the revised policy which will be effective from 2014 to 2019.

In January 2013, the working party was convened and the process started.

RECOMMENDATION

That the Licensing Committee note the update

INFORMATION

1. Section 5 of the Licensing Act 2003 requires the Licensing Authority to review its Policy every three years.
2. Hillingdon's current Statement of Licensing Policy was reviewed in 2010. The revised Policy was adopted by full Council, and came into force for the period January 2011 to January 2014.
3. The revised policy, when approved, will be in force for the period January 2014 to January 2019.

THE LICENSING ACT 2003

1. Section 5 of the Licensing Act 2003 states that:-

Each Licensing Authority must in respect of each three year period:

- (a) determine its Policy with respect to the exercise of its licensing functions, and
- (b) publish a statement of that Policy (a 'licensing statement') before the beginning of that period.

2. Section 5 (3) of the Licensing Act 2003 requires Licensing Authorities to consult:-

- (a) the chief officer of police for the licensing authority's area
- (b) the fire authority for that area
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

ACTION INSTIGATED BY THE LICENSING SERVICE

- In January 2013, a working party was convened to carry out the full review of the Council's Statement of Licensing Policy.
- Work is currently being undertaken on redrafting and amending the document.

Proposed timetable:

Jan – May	Working party and responsible authorities revise policy
May 2013	Final working party meeting to finalise changes
Jun 2013	Report to Licensing Committee on proposed draft
Jun 2013	Cabinet to approve draft policy for public consultation
Jun 2013	Start Consultation and hold big open evening event to kick off
Sep 2013	End Consultation and Report to Full Committee and Cabinet
Nov 2013	RESPOC – Policy Scrutiny
Dec 2013	Cabinet - Final Policy recommended for approval
Jan 2014	Council - Final Policy approved and adopted

BACKGROUND PAPERS

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

GAMBLING COMMISSION CODES OF PRACTICE MARCH 2013

Committee	Licensing Committee
Officer Contact	Stephanie Waterford x7232
Papers with report	Gambling Commission Codes of Practice
Ward(s) affected	All

SUMMARY

To inform the Committee about the recently published consolidated Code of Practice from the Gambling Commission.

RECOMMENDATION

That the committee note the information

INFORMATION

The Gambling Commission have recently consolidated many published COP's into one document.

The COP mainly deals with conditions attached to Operating Licences for each type of gambling establishment but also covers conditions relating to gaming machines which are jointly enforced by the Commission and Local Authority.

The document is attached for information.

Gambling codes of practice
Consolidated for all forms of gambling
March 2013

Contents

- 1 Introduction**
- 2 Financial requirements**
- 3 Protection of children and other vulnerable persons**
- 4 'Fair and open' provisions**
- 5 Marketing**
- 6 Complaints and disputes**
- 7 Gambling licensees' staff**
- 8 Pool betting**
- 9 Information requirements**
- 10 Primary gambling activity**
- 11 Equal chance gaming in clubs and premises with an alcohol licence**
- 12 Gaming machines in clubs and premises with an alcohol licence**

1 Introduction¹

- 1.1 There are two types of licence conditions that the Gambling Commission (Commission) may attach to an operating licence. These are set out at s75 – s77 of the Act. They are general conditions and individual conditions. General conditions can apply to an operating licence or class of operating licence. Specific conditions may be applied to an individual operating licence.
- 1.2 The Commission is also required to publish codes of practice about the manner in which facilities for gambling are provided. In particular the Commission is required to publish a social responsibility code. These may be directed at the holders of operating or personal licences, or any other person involved in providing facilities for gambling.
- 1.3 Codes of practice also apply to situations in which the gambling being offered is not (normally) the responsibility of an operator with a Commission licence. This document should not be confused with the Commission's [Licence Conditions and Codes of Practice \(LCCP\)](#). The LCCP sets out in full the Commission's general licence conditions and associated codes of practice (LCCP) for licensed gambling operators under the Gambling Act 2005 (the Act).
- 1.4 The principles to be applied by licensing authorities are set out at s153 of the Act:

Licensing authorities' functions

153 Principles to be applied

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it -
- in accordance with any relevant code of practice under section 24,
 - in accordance with any relevant guidance issued by the Commission under section 25,
 - reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) 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.

- 1.5 The Commission's codes of practice, issued under section 24 of the Gambling Act 2005 are set out below. These codes came into effect on 1 January 2009. There are two types of provisions in this document:
- social responsibility code provisions: compliance with these is a condition of operator 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 in shaded boxes in the remainder of this document
 - ordinary code provisions: these do not have the status of operator licence conditions, but 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 breach of 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 parts of this section and generally set out good practice in these areas.
- 1.6 The codes and the licence conditions are reviewed periodically. The latest version of both documents can be found on the Commission's website.

¹ This document contains all the current codes of practice. (March 2013). The codes are also published in other Gambling Commission documents.

2 Financial requirements

All remote and non-remote casino licences

Ordinary code provision

- 2.1** In order to help prevent activities related to money laundering and terrorist financing, licensees should act in accordance with the Commission's guidance on anti-money laundering, *The Prevention of Money Laundering and Combating the Financing of Terrorism - Guidance for remote and non-remote casinos*.

All remote and non-remote betting licences, except those restricted to football pools only and remote betting intermediary (trading rooms only) licences

Ordinary code provision

- 2.2** 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:
- unless there is a specific reason not to do so, appoint one or more nominated officers whose duty it is to take overall responsibility for the anti-money laundering procedures within the operation, in particular with respect to Suspicious Activity Reporting; and ensure, through appropriate training and guidance, that all staff who handle money or accounts or accept bets are aware of their duties under anti-money laundering legislation to report all suspicious activity to the nominated officer in a timely manner or, where there is no such nominated officer, directly and promptly to the police. It is the nominated officer's duty to consider such reports and to forward them where appropriate to the Serious Organised Crime Agency
 - adopt (or reflect in their procedures) the Association of British Bookmakers' guidelines.

All licences, except casino licences

Ordinary code provision

- 2.3** In order to help prevent activities related to money laundering 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

Combating problem gambling

All licences

Social responsibility code provision

- 3.1** Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.
- 3.2** Licensees' policies and procedures for socially responsible gambling must include but need not be confined to:
- the specific policies and procedures required by the following provisions of section 2 of this code
 - a commitment to and how they will contribute to research into the prevention and treatment of problem gambling
 - a commitment to and how they will contribute to public education on the risks of gambling and how to gamble safely
 - a commitment to and how they will contribute to the identification and treatment of problem gamblers.

Access to gambling by children and young persons

All non-remote casino licences

Social responsibility code provision

- 3.3** Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 3.4** Licensees must designate one or more supervisors for each casino entrance.
- 3.5** A supervisor's responsibilities include ensuring compliance with this section of the code.
- 3.6** A supervisor must implement the following procedures:
- checking the age of customers who appear to be, or are suspected of being, underage
 - refusing entry to anyone unable to produce an acceptable form of identification, ie one which:
 - contains a photograph from which the individual can be identified
 - states the individual's date of birth
 - is valid
 - is legible and shows no signs of tampering or reproduction
 - taking action when there are unlawful attempts to enter the premises, including removing anyone who appears to be underage who tries to access gambling facilities and cannot produce an acceptable form of identification.
- 3.7** 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.

- 3.8** In premises restricted to adults, service must be refused in any circumstances where any adult is accompanied by a child or young person.
- 3.9** Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This should include appropriate training which must cover the legal requirements on returning stakes and not paying prizes to underage customers.

All non-remote casino licences

Ordinary code provision

- 3.10** There should be a sufficient number of supervisors at casino entrances to enable a considered judgement to be made about the age of everyone attempting to enter the casino and to take the appropriate action (for example checking identification) whilst at the same time not allowing others to enter unsupervised. The nature of this task means that it cannot be properly accomplished only by using CCTV; it will require a physical presence. Heavily used entrances may require more than one designated supervisor.
- 3.11** Supervisors may be assisted by other door keepers provided the supervisor retains the responsibility for compliance with this section of the code and deals personally with any case where there is any doubt or dispute as to someone's eligibility to enter.
- 3.12** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.
- 3.13** 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.
- 3.14** Licensees should consider permanent exclusion from premises of 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.
- 3.15** 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.

All adult gaming centre licences

Social responsibility code provision

- 3.16** Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 3.17** This must include procedures for:
- checking the age of apparently underage customers
 - removing anyone who appears to be under age who tries to access the gambling facilities and cannot produce an acceptable form of identification
 - taking action when there are attempts by under-18s to enter the premises.
- 3.18** 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.

- 3.19** In premises restricted to adults, service must be refused in any circumstances where any adult is accompanied by a child or young person.
- 3.20** 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 the legal requirements on returning stakes and not paying prizes to underage customers.
- 3.21** Licensees must only accept identification which:
- contains a photograph from which the individual can be identified
 - states the individual's date of birth
 - is valid
 - is legible and has no visible signs of tampering or reproduction.

All adult gaming centre licences

Ordinary code provision

- 3.22** The Commission considers acceptable forms of identification to include any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including a provisional licence) with photocard; or a passport.
- 3.23** 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.
- 3.24** 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.
- 3.25** 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.

All non-remote bingo and family entertainment centre licences

Social responsibility code provision

- 3.26** Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 3.27** This must include procedures for:
- checking the age of apparently underage customers
 - refusing entry to any adult-only areas to anyone unable to produce an acceptable form of identification
 - taking action when there are unlawful attempts to enter the adult-only areas.
- 3.28** 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.
- 3.29** Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers and particularly for challenging any adult who may be complicit in allowing a child or young person to gamble.

- 3.30** Licensees must only accept identification which:
- contains a photograph from which the individual can be identified
 - states the individual's date of birth
 - is valid
 - is legible and has no visible signs of tampering or reproduction.

All non-remote bingo and family entertainment centre licences

Ordinary code provision

- 3.31** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including a provisional licence) with photocard; or a passport.
- 3.32** 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.
- 3.33** 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.
- 3.34** 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.
- 3.35** 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.

All non-remote betting and remote betting intermediary (trading rooms only) licences

Social responsibility code provision

- 3.36** Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 3.37** This must include procedures for:
- checking the age of apparently underage customers
 - removing from adult-only licensed premises anyone who appears to be underage who tries to access the gambling facilities and cannot produce an acceptable form of identification
 - taking action when there are attempts by under-18s to enter adult-only premises
 - refusing entry to any adult-only area of a track to anyone unable to produce an acceptable form of identification
 - taking action when there are unlawful attempts to enter the adult-only areas.
- 3.38** Licensees must not deliberately provide facilities for gambling in such a way as to appeal particularly to children or, except in the case of football pools, young people, for example by reflecting or being associated with youth culture.

- 3.39** In premises restricted to adults, service must be refused in any circumstances where any adult is accompanied by a child or young person.
- 3.40** 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 the legal requirements on returning stakes and not paying prizes to underage customers.
- 3.41** Licensees must only accept identification which:
- contains a photograph from which the individual can be identified
 - states the individual's date of birth
 - is valid
 - is legible and has no visible signs of tampering or reproduction.
- 3.42** In the case of non-remote pool betting licensees, where pool entries or payments are collected door to door by the licensee or the licensee's authorised agent the licensee's procedures must include procedures for:
- checking the age of apparently underage entrants to the pool; and
 - taking action when there are unlawful attempts to enter the pool.

All non-remote betting and remote betting intermediary (trading rooms only) licences

Ordinary code provision

- 3.43** The Commission considers acceptable forms of identification to include any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including a provisional licence) with photocard; or a passport.
- 3.44** 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.
- 3.45** 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.
- 3.46** 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 Commission and the police, and making available information on problem gambling.

All non-remote lottery licences

Social responsibility code provision

- 3.47** Licensees must have and put into effect policies and procedures designed to minimise the risk of lottery tickets being sold to children (that is, persons under 16). This must include procedures for:
- checking the age of apparently underage purchasers of lottery tickets
 - taking action when there are unlawful attempts to purchase tickets.
- 3.48** Licensees must take all reasonable steps to ensure that all those engaged in the promotion of lotteries in reliance on the licence understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

All non-remote lottery licences

Ordinary code provision

- 3.49** Licensees should require a person who appears to be under the age of 16 to be asked to produce proof of identity and age before purchasing a lottery ticket.

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote casino, ancillary remote bingo and remote betting intermediary (trading rooms only) licences

Social responsibility code provision

- 3.50** Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 3.51** Such procedures must include:
- a) warning potential customers that underage gambling is an offence;
 - b) requiring customers to affirm that they are of legal age;
 - c) regularly reviewing their age verification systems and implementing all reasonable improvements that may be made as technology advances and as information improves;
 - d) ensuring that relevant staff are properly trained in the use of their age verification procedures; in particular customer services staff must be appropriately trained in the use of secondary forms of identification when initial verification procedures fail to prove that an individual is of legal age;
 - e) enabling their gambling websites to permit filtering software to be used by adults (such as parents or within schools) in order to restrict access to relevant pages of those sites;
 - f) in the case of any UK resident customer who deposits money using any type of payment method other than a credit card, and unless the licensee has established that a third party has satisfactorily carried out age verification, the following age verification procedures:
 - i) verifying additional information about the customer, such as carrying out searches of credit reference and other databases that list names and addresses of individuals over the age of 18;
 - ii) carrying out secondary age verification checks in any circumstances which give the operator reason to suspect that the person may be underage;
 - iii) not permitting the customer to withdraw any winnings from their account until age verification has been satisfactorily completed; and
 - iv) in any event, a requirement that if age verification has not been satisfactorily completed within 72 hours of the customer applying to register to gamble and depositing money:
 - the account will be frozen
 - no further gambling will be permitted until age verification has been successfully completed
 - if on completion of age verification the customer is shown to be underage, the operator must return to the customer any money paid in respect of the use of the gambling facilities, but no winnings shall be paid.
 - g) in the case of any non-UK resident customer who deposits money using any type of payment method other than a credit card, and unless the licensee has established that a third party has satisfactorily carried out age verification, the following age

verification procedures:

- i) taking all reasonable steps to make use of information available for age verification purposes from whichever country the potential customer is resident in; and
- ii) each of the following steps, unless they can not reasonably be implemented or, in the case of the fourth bullet point, a period of more than 72 hours was reasonably required:
 - verifying additional information about the customer, such as carrying out searches of credit reference and other databases that list names and addresses of individuals over the age of 18
 - carrying out secondary age verification checks in any circumstances which give the operator reason to suspect that the person may be underage
 - not permitting the customer to withdraw any winnings from their account until age verification has been satisfactorily completed
 - a requirement that if age verification has not been satisfactorily completed within 72 hours of the customer applying to register to gamble and depositing money:
 - the account will be frozen;
 - no further gambling will be permitted until age verification has been successfully completed; and
 - if on completion of age verification the customer is shown to be underage all deposits held by the operator are returned to the customer and no winnings paid.

h) in the case of any customer who registers to gamble and deposits money using a credit card, conducting a programme of random checks of credit card users for compliance with age restrictions.

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Ordinary code provision

- 3.52** Licensees should, and should request their contracted partners to, draw attention to parental responsibility as part of the purchasing process of facilities such as mobile phones and interactive television.

Information on how to gamble responsibly and help for problem gamblers

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

Social responsibility code provision

- 3.53** 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.

3.54 The information must cover:

- 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

- timers or other forms of reminders or 'reality checks' where available
- self-exclusion options
- information about the availability of further help or advice.

3.55 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'.

3.56 For gambling premises, information must be available in all areas where gambling facilities are provided and adjacent to ATMs where these are not located in a gambling area. As a minimum, information must be displayed prominently on posters appropriate to the size and layout of the premises and contained in leaflets that may be taken away. 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.

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

Ordinary code provision

- 3.57** Licensees who market their services in one or more foreign languages should make available in that, or those, foreign languages:
- the information on how to gamble responsibly and access to help referred to above
 - the players' guides to any game, bet or lottery required to be made available to customers under provisions in this code
 - 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.

Customer interaction

All licensees, except gaming machine technical and gambling software licences

Social responsibility code provision

- 3.58** 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:
- identification of the appropriate level of management who may initiate customer interaction and the procedures for doing so
 - 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
 - the circumstances in which consideration should be given to refusing service to customers and/or barring them from the operator's gambling premises
 - training for all staff on their respective responsibilities, in particular so that they know who is designated to deal with problem gambling issues.
- 3.59** 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.

Self-exclusion

All non-remote licences and remote betting intermediary (trading rooms only) licences, but not gaming machine technical and gambling software licences

Social responsibility code provision

- 3.60** 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.
- 3.61** Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 3.62** 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.
- 3.63** 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.
- 3.64** 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.
- 3.65** 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 register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator)
 - photo identification (where available and in particular where enforcement of the system may depend on photographic ID), and a signature
 - staff training to ensure that staff are able to enforce the systems
 - the removal of those persons found in the gambling area or attempting to gamble from the premises.

All non-remote licences and remote betting intermediary (trading rooms only) licences, but not gaming machine technical and gambling software licences

Ordinary code provision

- 3.66** 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.
- 3.67** Wherever practicable, individuals should be able to self-exclude without having to enter gambling premises.
- 3.68** Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.

- 3.69** 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.
- 3.70** Licensees should encourage the customer to consider extending their self exclusion to other licensees' gambling premises in the customer's local area.
- 3.71** Customers should be given the opportunity to discuss self-exclusion in private, where possible.
- 3.72** Licensees should take steps to ensure that:
- the self-exclusion period is a minimum of six months and give customers the option of extending this to a total of at least five years
 - 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
 - at the end of the period chosen by the customer (and at least six months later), the self-exclusion remains in place, unless the customer takes positive action in order to gamble again. No marketing material should be sent to the individual unless the individual has taken positive action in order to gamble again, and has agreed to accept such material
 - where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again, 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.
- 3.73** The licensee should retain the records relating to a self-exclusion agreement at least until the agreement has been formally ended.

(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.)

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Social responsibility code provision

- 3.74** 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.
- 3.75** Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 3.76** 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.

- 3.77** This covers any marketing material relating to gambling. 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.
- 3.78** 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.
- 3.79** 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 register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator)
 - a record of the card numbers to be excluded
 - staff training to ensure that staff are able to enforce the systems
 - the removal of access from those persons found to have gambled or who have attempted to gamble on the facilities.

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Ordinary code provision

- 3.80** Self-exclusion procedures should require individuals to take positive action in order to self-exclude:
- over the **internet**; this can be a box that must be ticked in order to indicate that they understand the system
 - by **telephone**; this can be a direct question asking whether they understand the system.
- 3.81** Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.
- 3.82** Licensees should encourage the customer to consider extending their self exclusion to other remote gambling operators currently used by the customer.
- 3.83** Customers should be given the opportunity to self-exclude by contacting customer services and in addition, where technically possible, by entering an automated process using remote communication. In order to avoid inadvertent self-exclusion it is acceptable for an automated process to include an additional step that requires the customer to confirm that they wish to self-exclude. The licensee should ensure that all staff who are involved in direct customer service are aware of the self-exclusion system in place, and are able to direct that individual to an immediate point of contact with whom/which to complete that process.
- 3.84** Within the licensee's information about self-exclusion policies, the licensee should provide a statement to explain that software is available to prevent an individual computer from accessing gambling internet sites. The licensee should provide a link to a site where further information is available.
- 3.85** Licensees should take all reasonable steps to ensure that:
- the self-exclusion period is a minimum of six months and give customers the option of extending this to a total of at least five years
 - 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

- at the end of the period chosen by the customer (and at least six months later), the self-exclusion remains in place, unless the customer takes positive action in order to gamble again. No marketing material should be sent to the individual unless the individual has taken positive action in order to gamble again, and has agreed to accept such material
- where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again, the customer is given one day to cool off before being allowed access to the gambling facilities. The contact must be made via telephone or in person; re-registering online is not sufficient.

3.86 The licensee should retain the records relating to a self-exclusion agreement at least until the agreement has been formally ended.

(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.)

Employment of children and young persons

All lottery licences and pool betting licences restricted to football pools

Ordinary code provision

3.87 Licensees who employ young persons (16 and 17 year olds) to sell tickets, collect payments or pay out winnings should have and put into effect policies and procedures designed to ensure that all staff, including staff who are young persons themselves, are made aware that the law prohibits underage gambling, and that tickets may only be sold to persons aged 16 or over.

All non-remote bingo licences

Ordinary code provision

3.88 Licensees who employ children (under-16-year-olds) and young persons (those aged 16 or 17) should be aware that it is an offence:

- a) to employ them to provide facilities for playing bingo;
- b) for their contracts of employment to require them, or for them to be permitted, to perform a function in connection with a gaming machine; and
- c) to employ a child to perform any function on premises where, and at a time when, facilities are being provided for playing bingo.

As to b) 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.

3.89 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:

- children and young persons are never asked to perform tasks within a) or b) above
- all staff, including those who are children and young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.

and should consider adopting a policy that:

- children are not employed to work on bingo licensed premises at any time when the premises are open for business
- neither children nor young persons are in any event asked to work in areas where gaming machines are situated.

All non-remote casino licences

Ordinary code provision

3.90 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 casino licensed premises while any gambling activity is being carried on in reliance on the premises licence (except that they can be employed on a part of regional casino premises when that part of the premises is not being used for the provision of facilities for gambling).

As to b) 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.

3.91 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:

- children and young persons are never asked to perform tasks within a) or b) above
- 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

and should consider adopting a policy that:

- children and young persons are not employed to work on casino licensed premises (other than in an area of a regional casino where gambling does not take place) at any time when the premises are open for business
- 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.

All non-remote general, pool betting and remote betting intermediary (trading rooms only) licences

Ordinary code provision

3.92 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 children to provide facilities for gambling in connection with football pools;

b) otherwise to employ children and young persons to provide facilities for gambling;

c) 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

d) to employ them to carry out any other function on betting licensed premises while any gambling activity is being carried on in reliance on the premises licence.

As to c) 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.

3.93 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:

- children are never asked to perform tasks within (a) above
- children and young persons are never asked to perform tasks within b) above
- 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

and should consider adopting a policy that:

- children and young persons are not employed to work on betting licensed premises at any time when the premises are open for business
- 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.

All adult gaming centre licences

Ordinary code provision

3.94 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;

As to b) 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.

3.95 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:

- children and young persons are never asked to perform tasks within a) or b) above
- 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

and should consider adopting a policy that:

- 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
- 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.

All family entertainment centre licences

Ordinary code provision

- 3.96** 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.

As to b) 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.

- 3.97** Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
- children and young persons are never asked to perform tasks within a) or b) above
 - 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

and should consider adopting a policy that:

- children and young persons are not employed to carry out any work in an adult-only area of family entertainment licensed premises at a time when any gambling is taking place
- gaming machines sited in 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.

All remote licences, except remote lottery, remote pool betting, remote gaming machine technical, remote gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Ordinary code provision

- 3.98** Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence to employ them to provide facilities for gambling.

All remote pool betting licences

Ordinary code provision

- 3.99** 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 children to provide facilities for gambling in connection with football pools; and
 - b) otherwise to employ children and young persons to provide facilities for gambling.

Provision of credit by licensees and the use of credit cards

All non-remote general betting licences, except where betting is offered under a 2005 Act casino premises licence, pool betting, betting intermediary and lottery licences and all remote licences, except gaming machine technical, gambling software, ancillary remote casino, ancillary remote bingo and remote betting intermediary (trading rooms only) licences

Social responsibility code provision

3.100 Licensees who choose to accept credit cards must:

- accept payment by credit card for gambling only where that payment is made to a customer account
- make available for gambling, funds deposited via credit card only after the card issuer has approved the transaction.

All non-remote general betting licences, except where betting is offered under a 2005 Act casino premises licence, pool betting licences and all remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote casino, ancillary remote bingo and remote betting intermediary (trading rooms only) licences

Ordinary code provision

3.101 Licensees who choose to offer credit to members of the public who are not themselves gambling operators should also:

- have procedures for checking and scoring applications for credit from such customers, for setting, and for the increase of, credit limits
- explain these procedures to customers
- set a maximum credit limit for each customer and not permit customers to exceed that limit without further application
- apply a 24-hour delay between receiving a request for an increase in a credit limit and granting it in those cases where the limit exceeds that which the operator previously set
- not require a minimum spend within a set time period
- take all reasonable steps to ensure that offers of credit are not sent to vulnerable persons, including those who have self-excluded from gambling
- ensure that information about an offer of credit includes a risk warning of what may happen in the event of default.

Money lending between customers

All non-remote casino licences

Ordinary code provision

3.102 Licensees should take steps to prevent systematic or organised money lending between customers on their premises.

3.103 While the nature of those steps will depend to some extent on the layout and size of the premises, they should cover matters such as:

- systems for monitoring for such activity

- instructions to staff concerning what they should do if they spot what they believe to be significant money lending and to managers about the ways in which they should handle and act on any such lending
- excluding from the premises, either temporarily or permanently as appropriate, any person whom the evidence suggests has become involved in organised or systematic money lending.

3.104 There should be appropriate arrangements in place to cover any cases where it appears that the lending may be commercial in nature or may involve money laundering. In the latter case, the requirements in respect of reporting suspicious transactions must be followed. In all cases where the operator encounters systematic or organised money lending, a report should be made to the Commission.

All non-remote bingo, general betting, adult gaming centre, family entertainment centre and remote betting intermediary (trading rooms only) licences

Ordinary code provision

3.105 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.

Identification of individual customers

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Social responsibility code provision

3.106 Licensees must have and put into effect policies and procedures designed to identify separate accounts which are held by the same individual.

3.107 Where licensees allow customers to hold more than one account with them, the licensee must link all of a customer's such accounts to that customer and ensure that:

- if a customer opts to self-exclude from one account they are excluded from all accounts they hold with the licensee
- all of a customer's accounts are monitored and decisions that trigger customer interaction are based on the observed behaviour and transactions across all the accounts
- where credit is offered or allowed the maximum credit limit is applied on an aggregate basis across all accounts
- individual financial limits can be implemented across all of a customer's accounts.

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Ordinary code provision

3.108 Where a licensee:
i) is a company, the licensee should take all reasonable steps to comply with the above social responsibility code provision as if it also applied to accounts held in respect of gambling carried

on in reliance on a remote operating licence held by any Group Company;
ii) also holds a licence in another jurisdiction permitting it to provide facilities for remote gambling (a 'foreign licence') or is a company one or more of whose Group Companies holds one or more foreign licences, the licensee should take all reasonable steps to comply with the above social responsibility code provision as if it applied also to accounts held in respect of gambling carried on in reliance on a foreign licence held by the licensee or any Group Company.

3.109 A company is a Group Company in relation to a licensee if it is the holding company of, subsidiary of, or shares a common holding company with, the licensee. For these purposes 'holding company' and 'subsidiary' respectively have the meanings ascribed to them by section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof.

4 'Fair and open' provisions

All licences, except gaming machine technical and gambling software licences

Social responsibility code provision

- 4.1** Licensees must be able to provide evidence to the Commission, if required, showing how they satisfied themselves that their terms are not unfair.

All non-remote casino licences

Social responsibility code provision

- 4.2** In complying with any condition on a casino premises licence requiring the display of rules about gaming, licensees must ensure that the following are included:
- the rules of each type of casino game available to be played
 - a player's guide to the house edge
 - a player's guide to the rules of any equal chance games which are made available.

All non-remote bingo licences

Social responsibility code provision

- 4.3** In complying with any condition on a bingo premises licence or a 2005 Act large casino premises licence requiring the display of rules about gaming, licensees must ensure that the following are included:
- rules about each variant of bingo made available
 - rules about any prize gaming made available.

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Social responsibility code provision

- 4.4** Licensees must make the following available to customers:
- a player's guide to each gambling opportunity (bet, game or lottery) made available by the operator
 - such additional information relating to the available gambling as the Commission shall from time to time publish to licensees: the current requirements are set out in an Annex to the Commission's Technical Standards.

All remote licences (including ancillary remote betting licences), except gaming machine technical, gambling software, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading rooms only) licences

Ordinary code provision

- 4.5** Where practicable, the player's guide and additional information referred to in the social responsibility code should be made available through the medium in which the remote gambling is to be conducted. Where that is not practicable, licensees should either:
- send a copy of the guide and required additional information by post, fax or email or
 - make these available to the customer in another medium to which he has access.

All non-remote casino licences

Social responsibility code provision

- 4.6** Licensees must have and put into effect policies and procedures designed to ensure that proper supervision of gaming at tables is carried out by supervisors, pit bosses and croupiers in order to ensure the integrity of the gaming is not compromised. Such policies and procedures must take into account, but need not be limited by, any mandatory premises licence conditions relating to the layout of premises.

All general betting and betting intermediary licences, except remote betting intermediary (trading rooms only) licences

Social responsibility code provision

- 4.7** Licensees must set out within the full rules that they make available, the core elements for the acceptance and settlement of bets. These rules must cover:
- the circumstances under which the operator will void a bet
 - treatment of errors, late bets and related contingencies
 - availability of odds for any ante-post, early show or starting price betting, and treatment of place, forecast bets etc
 - treatment of withdrawals, non-runners, and reformed markets
 - maximum payout limiting liability for a specific betting product or generally
 - any charges made to customers for the use of betting services or products, and how these are calculated (including deductions from winnings for commission, or in respect of withdrawn horses etc)
 - means or medium by which the outcome of an event will be determined
 - the rules for the event itself to be specified (eg horserace bets only to be accepted where the racing is subject to Horseracing Regulatory Authority rules)
 - where bets are accepted on 'pari-mutuel' terms
 - any special arrangements for settling bets on 'coupled' horses.
- 4.8** Where special rules have been agreed in relation to a particular bet these must not be overridden by any conflicting rules or subsequent rule changes.
- 4.9** Licensees must issue a betting slip or an electronic acknowledgement (other than in the case of telephone betting) for each transaction which includes information as to the operator's name and contact details, and words equivalent to 'Bets are accepted in accordance with the operator's rules'.

All non-remote general betting licences

Social responsibility code provision

- 4.10** In their terms on which bets may be placed (required to be displayed in accordance with mandatory conditions attaching to their premises licences) licensees must give prominence to their rules concerning voiding, late bets and maximum payouts.
- 4.11** When providing facilities for betting on-course, licensees must display on their 'joints' in an intelligible format:
- any rules that differ from Tattersalls' 'Rules on Betting' or the British Greyhound Racing Board's 'Regulations for the conduct of on-course bookmaking' as applicable²
 - any types of unorthodox bets accepted (such as forecast betting, betting without the favourite, distance betting etc)
 - whether win-only or each way bets are accepted
 - any concessions or bonuses offered
 - all of the runners and the odds available to the public
 - the operator's trading name and contact address
 - the minimum bet accepted
 - the maximum guaranteed liability.
- 4.12** Licensees operating within the ring at horserace tracks must issue customers with a betting slip or ticket for each transaction accepted. Betting slips or tickets must include the following information:
- operator's name and contact details
 - race day name or code, date and race number
 - name and/or number of the selection
 - the stake and potential return
 - the odds, or whether the bet will be settled according to the Starting Price
 - the type of bet.
- 4.13** Any special rules which have been agreed in relation to a particular bet must not be overridden by any conflicting rules or subsequent rule changes.

All remote licences (including remote betting intermediary (trading rooms only) licences), except remote gaming machine technical, remote gambling software and ancillary remote licences

Ordinary code provision

- 4.14** Licensees should ensure that the terms on which they contract with third parties who provide user interfaces enabling customers to access their remote gambling facilities:
- include a term that any such user interface comply with the Commission's technical standards for remote gambling systems
 - enable them to terminate the third party's contract promptly if, in the licensee's opinion, the third party is in breach of that term.

² The references to Tattersalls' 'Rules on Betting' and the British Greyhound Racing Board's Regulations for the conduct of on-course bookmaking' reflect the current position and may need to be amended in future.

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

Ordinary code provision

- 4.15** Where licensees offer to accept bets, or facilitate the making or acceptance of bets between others, on the outcome of a sport regulated by a sport governing body for the time being included in Part 3 of Schedule 6 of the Act they should take all reasonable steps to familiarise themselves with the rules applied by that body on betting, in particular betting by registered participants.

5 Marketing

All licences (including ancillary remote licences), except gaming machine technical and gambling software licences

Social responsibility code provision

- 5.1** 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;
- 5.2** 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.

All licences (including ancillary remote licences), except gaming machine technical and gambling software licences

Ordinary code provision

- 5.3** Licensees should only offer incentive or reward schemes in which the benefit available is proportionate to the type and level of customers' gambling.

All non-remote bingo and casino licences

Social responsibility code provision

- 5.4** If licensees offer customers free or discounted alcoholic drinks for consumption on the premises they must do so on terms which do not in any way link the availability of such drinks to whether, or when, the customer begins, or continues, to gamble.

- 5.5** Licensees must not make unsolicited offers of free alcoholic drinks for immediate consumption by customers at a time when they are participating in a casino game, bingo game or playing a gaming machine.

All non-remote casino licences

Social responsibility code provision

- 5.6** Where a licensee employs agents to promote its business (wherever that business is conducted), it must ensure that its agreement with any agent makes clear that the agent must not encourage players to play longer or wager more than the player might otherwise do. In particular, payments should not be directly dependent upon, nor directly calculated by reference to, the length of time for which, or frequency with which, the customer gambles. If the payment to the agent increases with the amount the customer spends it must do so at a rate no greater than that at which the amount spent increases.

All lottery licences

Ordinary code provision

- 5.7** With a view to minimising the risk of fraud, licensees who are non-commercial societies or external lottery managers should adopt one or more of the following measures:
- prohibit the unsolicited mailing of tickets to non-members of the promoting society
 - limit the value of tickets sent to any one address which is not that of a member of the promoting society to £20
 - maintain records of tickets distributed and not returned.

All licences

Ordinary code provision

- 5.8** 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 which apply to the form and media in which they advertise their gambling facilities or services, and for media not explicitly covered 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.
- 5.9** However, the particular restriction on allowing people aged under 25 to appear in adverts need not be applied to point of sale advertising material, provided that the images used depict the sporting activity that may be gambled on and not the activity of gambling itself and do not offend any other aspect of the advertising codes.

All remote licences, except gaming machine technical, gambling software and ancillary remote licences

Ordinary code provision

- 5.10** Licensees should ensure that the terms on which they contract with their affiliates (that is those who are given a right to advertise, or provide a hyper-link to, a licensee's gambling website) enable them to terminate the affiliate's rights promptly if, in the licensee's opinion, the affiliate is in breach of the advertising codes.

6 Complaints and disputes

All licences (including ancillary remote licensees), except gaming machine technical and gambling software licences

Social responsibility code provision

- 6.1** Licensees must put into effect a written procedure for handling customer complaints and disputes.
- 6.2** 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) is not resolved at the first stage of the complaints procedure; and
 - b) relates to the outcome of the complainant's gambling transaction.
- 6.3** Licensees must ensure that:
- customers are told the name and status of the person to contact about their complaint
 - customers are given a copy of the complaints procedure on request or on making a complaint
 - all complaints are handled in accordance with the procedure.
- 6.4** Licensees must also ensure that they have arrangements in place for disputes to be referred to an independent third party. Customers whose disputes are not resolved to their satisfaction by use of the operator's complaints procedure may refer those disputes to this independent third party. The arrangements under which such complaints are referred may, but need not, provide for the third party's decision to be binding on the licensee and the customer.
- 6.5** Licensees must keep a record of all complaints that are not resolved at the first stage of the complaints procedure.
- 6.6** Licensees must arrange for a copy of the decision on, or a note of the outcome of, each dispute referred to the independent party to be provided to the Commission quarterly, either by the independent party or by the licensee.

7 Gambling licensees' staff

All non-remote casino licences

Social responsibility code provision

- 7.1** Licensees must have and put into effect policies and procedures to manage relationships between staff and customers, based on the principle that in carrying out their duties staff must not engage in any conduct which is, or could be, likely to prejudice the licensing objectives.

All licences, including betting ancillary remote licences, but not other ancillary remote licences

Social responsibility code provision

- 7.2** 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 Pool betting

All pool betting licences

Social responsibility code provision

- 8.1** Licensees or any person they authorise to offer pool betting on their behalf under authority of section 93 of the Act must publish their rules relevant to the following:
- the deduction levels for overheads, taxes, profits etc, expressed as a percentage, from each available pool
 - the rounding of winning dividends to a whole unit
 - the procedure for when there is no winner of the pool, and the circumstances in which the pool is carried over
 - the period of time in which a winning bet may be claimed from the pool operator.

All non-remote pool betting licences authorised to offer pool betting on dog races

Social responsibility code provision

- 8.2** Licensees or any person they authorise to offer pool betting on their behalf under authority of section 93 of the Act, must only accept bets through equipment capable of communicating bets to a central recording system.
- 8.3** The equipment must supply the person placing the bet with a betting slip or ticket containing the following information:
- the date on which the bet is made
 - the amount of the stake
 - the identity of the track, the number or time of the race and the pool in respect of which the bet is made
 - the selection or selections or combination of selections as indicated
 - means of identifying the equipment recording the bet.
- 8.4** The central recording system must collect all bets made to each of the operator's pools and all information required to calculate the winnings of each pool and be capable of storing this information for subsequent retrieval if required by the Commission.
- 8.5** Licensees and any person they authorise to offer pool betting on their behalf under authority of section 93 of the Act must:
- provide a public display system within sight of all of the operator's terminals capable of accepting pool bets situated on-course. The system must display the potential dividend returns in respect of win and place outcomes from each pool operated, and in at least one place the units staked on all types of combination bets offered.

This information is to be updated whilst the pool market is open. Following conclusion of the event to which the pool relates, the total amount payable as winning dividends must be displayed as soon as practicable

- display prominently the minimum stake that will be accepted as a bet.

9 Information requirements

All licences, except ancillary remote licences

Ordinary code provision

9.1 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 are matters that will have a material impact on the licensee's business or on the licensee's ability to conduct its business. Such matters, which should be notified to the Commission as soon as reasonably practicable³, include the following:

- the departure from the licensee's business of any person named in the licence application, or that person's successor, who holds a personal management licence, but who does not occupy a 'qualifying position'
- any reduction in the number of staff employed by the licensee where that has a material impact on the licensee's business
- the acquisition or disposal by the licensee of gambling premises or pitches where that has a material impact on the size or nature of the licensee's business
- in the case of corporate licensees, the disposal or acquisition of any group company where that has a material impact on the licensee's ability to conduct its business
- any disposal of the licensee's assets where that has a material impact on the licensee's business
- any investigation by a professional, statutory, regulatory or government body 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 Commission licence
- any instance of criminal activity, including repeated instances of small-scale theft or fraud, where that has a material impact on the licensee's business
- any major breach in the licensee's information security where that adversely affects the confidentiality of customer data or prevents customers from accessing their accounts for a substantial period of time
- any other matters that have a material impact on the licensee's business or on the licensee's ability to conduct its business.

³ These matters can be reported securely online at the Commission's website at www.gamblingcommission.gov.uk or by email to key.events@gamblingcommission.gov.uk or posted to Key Events, Compliance Administration Team, Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP

10 Primary gambling activity

Non-remote general betting, bingo and casino operating licences, except where facilities are offered under a 2005 Act casino premises licence

Ordinary code provision

10.1 In order to demonstrate that the primary gambling activity for which an operating licence has been issued is being offered in each licensed premises, licensees should have regard to the following general factors:

- the ratio of the space available to customers allocated to the primary gambling activity, to that allocated to other gambling activities
- the extent to which the primary gambling activity is promoted on the premises and by way of external advertising compared to other gambling activities
- the use, either expected or actual, to be made of the different gambling facilities.

10.2 Licensees should also have regard to the following additional sector specific factors:

Non-remote bingo licences, except where bingo is offered under a 2005 Act casino premises licence

Ordinary code provision

- the frequency and extent that bingo is, or is intended to be, played on the premises, compared with the periods when the premises are open
- whether there is:
 - capacity on the premises for the generation of main stage bingo numbers
 - a facility to sell tickets or cards for bingo games on the premises
 - bingo available to be played whenever sessions are advertised
 - display of prize board information
 - a means of stopping a game to claim a win.

Not all the indicators would need to be present in a particular case, nor do they preclude others, but the combination of those factors that are present should be sufficient to indicate that the activity is the primary one in any given premises.

Non-remote casino operating licences, except 2005 Act casino operating licences

Ordinary code provision

- the proportion of the gaming day for which live tables are, or will, be made available on demand.

Not all the indicators would need to be present in a particular case, nor do they preclude others, but the combination of those factors that are present should be sufficient to indicate that the activity is the primary one in any given premises.

Non-remote general betting licences, except where betting is offered under a 2005 Act casino premises licence

Ordinary code provision

- the range and frequency of events on which bets can be made.

Not all the indicators would need to be present in a particular case, nor do they preclude others, but the combination of those factors that are present should be sufficient to indicate that the activity is the primary one in any given premises.

11 Equal chance gaming in clubs and premises with an alcohol licence

- 11.1** This is the Commission's code of practice relating to the provision of facilities for equal chance gaming in pubs and clubs last updated in March 2012. It is issued in accordance with section 24 of the Gambling Act 2005 (the Act) and in respect of gaming carried out under Part 12 of the Act and the associated regulations. This gaming is known as 'exempt gaming', and may be carried out without a gambling licence or permit. However, the club or alcohol licensed premises can only offer equal chance gaming that does not involve staking against a bank and where there are set daily and weekly prize limits. Where a club holds a club gaming permit additional entitlements are available.
- 11.2** Compliance with the code of practice should be the responsibility of a designated person:
- in pubs in England and Wales: the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence)
 - in premises which are licensed to serve alcohol for consumption on the premises under the relevant Scottish licence: the premises manager (which the Licensing (Scotland) Act 2005 requires as a condition of the premises licence), or, where an occasional licence is held, a responsible person designated by the holder of the licence.
 - in clubs in England and Wales:
 - if an alcohol licence is held, the designated premises supervisor
 - if no alcohol licence is held, a responsible individual to be nominated by the club management or other governing body elected by the members
 - in clubs in Scotland:
 - for a qualifying club under the Licensing (Clubs) (Scotland) Regulations 2007 (SI No 76 of 2007) a person nominated by the club management committee, or other governing body elected by the members, and who is trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007
 - for a qualifying club operating under an occasional licence a responsible person to be nominated by the club management committee or other governing body elected by the members
 - the name and contact details of the nominated person should be made available to the clerk of the relevant licensing board.
- 11.3** The regulations place certain limits on stakes and prizes for equal chance gaming. All exempt gaming is expected to be 'low level' and the designated person is expected to take all reasonable steps to ensure that this remains the case. Gaming in pubs and clubs should be ancillary to the main purpose of the premises – the gaming should not be the main reason to go to the premises. The statutory limits on stakes, prizes and, for clubs, participation fees are set out in the attached table. Pubs may not charge participation fees.
- 11.4** All gaming in pubs (other than dominoes and cribbage) has a stakes limit of £5 per person per game. Neither clubs nor pubs may impose levies or deductions on stakes or prizes.
- 11.5** All gaming carried out on the premises must be in a place where it can be supervised by staff whose duties include supervision of gaming (including bar or floor staff).
- 11.6** The designated person should put into effect procedures designed to prevent under age gambling. This should include:
- holding the gaming in premises or parts of premises which are restricted to adults
 - checking the age of potentially under age players and
 - refusing access to the gaming to anyone apparently under age who cannot produce an acceptable form of age verification and identification.
- 11.7** Permit holders should only accept identification which:
- contains a photograph from which the individual can be identified
 - states the individuals date of birth
 - is valid

- is legible and has no visible signs of tampering or reproduction.
- 11.8** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.
- 11.9** Procedures should be in place for dealing with cases where an under age person repeatedly attempts to gamble including verbal warnings and reporting the offence to the Commission and the police. The designated person should take reasonable steps to ensure that all employees understand their responsibilities under this code.
- 11.10** All payments in respect of the gaming covered by this code (including, in the case of clubs, any participation fees) should be paid for in cash before the commencement of the game. No credit may be offered to customers by the designated person. All players should be notified of any stakes limits that apply.
- 11.11** All equipment used in the gaming should be supplied by the premises and the equipment should be secured when not in use. The equipment should be replaced when damaged or marked. No player should supply his/her own equipment.
- 11.12** For all organised games, the rules of the game being played should be displayed or otherwise made available to all players before and during the game, for example by providing the rules on a laminated card.
- 11.13** The designated person should ensure a pleasant atmosphere and deny participation to customers who cheat or collude with other players or employees, threaten other players or employees, create a disturbance or damage equipment.
- 11.14** In Scotland care will need to be taken to ensure that the provision of facilities for equal chance gaming is provided for in the premises licence operating plan.

Specific provisions for poker

- 11.15** To ensure that the stake and prize limits are not breached, it is strongly advised that cash games should not be permitted. Where cash games are allowed, the sum of money wagered (known as the 'pot') should be kept in sight so that it can be viewed by the designated person at all times.
- 11.16** In any event, all poker games organised by, or on behalf of, the management of the premises should not be cash games but tournament poker played with poker chips supplied by the premises.
- 11.17** The maximum stakes and prizes set out in the regulations are for a game and not a hand of poker. In the context of the code a game is what is generally considered to be an established and conventional game.
- 11.18** The designated person is to keep a record of:
- the number of games played
 - the number of players and
 - the amount staked
 - the amount won
 - to ensure that the individual, daily and weekly stake and prize limits are not exceeded.
- 11.19** The designated person should take all reasonable steps to ensure that individual stake limits are not exceeded through side bets, additional raises, re-buys or other ways of increasing the pot. Where this is discovered to be the case, the game should be stopped immediately and stakes returned to the individual players.

Specific provisions for bingo

11.20 Separate provisions apply in respect of bingo. The designated person should contact the Commission if the total stakes or prizes for bingo games played in any seven day period exceeds £2,000 (either in money taken or prizes awarded).

Specific provisions for clubs

11.21 Clubs must ensure that appropriate membership records are completed for each member with a record of subscriptions paid. Records of daily participation fees should be kept separately. The club should demonstrate it has a bona fide club membership scheme.

11.22 Clubs that hold a club gaming permit may offer two kinds of banker's game only: pontoon and chemin de fer.

Complaints and disputes

11.23 The designated person should put into effect a written procedure for handling customer complaints and disputes regarding equal chance gaming.

11.24 A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:

- is not resolved at the first stage of the complaints procedure and
- relates to the outcome of the complainant's gambling transaction.

11.25 The designated person should ensure that:

- customers are told the name and status of the person to contact about their complaint
- customers are given a copy of the complaints procedure on request or on making a complaint
- all complaints are handled in accordance with the procedure.

Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Members' club or commercial club with club machine permit	Members' club or MW institute with club gaming permit	Bridge or whist club	Alcohol-licensed premises
Equal chance gaming	Yes	Yes	Yes	Bridge and/or whist only	Yes
Limits on stakes	Poker £1,000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1,000 per week £250 per day £10 per person per game Other gaming No limit	No limit	No limit	Poker £100 per premises per day £5 per person per game Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	No limit	No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or Whist⁴ £18 Other gaming £1	Bridge and/or whist³ £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist³ £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	None permitted
Bankers or unequal chance gaming	None permitted	None permitted	Pontoon Chemin de fer	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

⁴ On a day when no other facilities for gaming are provided

12 Gaming machines in clubs and premises with an alcohol licence

For club gaming permits, club machine permits and alcohol

12.1 This is the Commission's Code of Practice issued under section 24 of the Gambling Act 2005 (the Act) relating to provision of facilities for gaming machine gambling in accordance with club gaming, club machine and alcohol licensed premises permits.

This includes:

- Registrations under Parts II and III of the Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively
- Club gaming and club machine permits issued under the Club Gaming and Club Machine Permits (Scotland) Regulations 2007
- Premises which have a licence issued by a Licensing Board under section 26(1) or 47(2) of the Licensing (Scotland) Act 2005 authorising the sale of alcohol on the premises.

12.2 Compliance with the code of practice should be the responsibility of a designated person:

- in pubs in England and Wales: the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence)
- in premises which are licensed to serve alcohol for consumption on the premises under the relevant Scottish licence: the premises manager (which the Licensing (Scotland) Act 2005 requires as a condition of the premises licence), or,
- where an occasional licence is held, a responsible person designated by the holder of the licence
- in clubs in England and Wales:
 - if an alcohol licence is held, the designated premises supervisor
 - if no alcohol licence is held, a responsible individual to be nominated by the club management or other governing body elected by the members
- in clubs in Scotland:
 - for a qualifying club under the Licensing (Clubs) (Scotland) Regulations 2007 (SI No 76 of 2007) a person nominated by the club management committee, or other governing body elected by the members, and who is trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007
 - for a qualifying club operating under an occasional licence a responsible person to be nominated by the club management committee or other governing body elected by the members
 - the name and contact details of the nominated person should be made available to the clerk of the relevant licensing board.

Location and operation of machines

All permit holders

Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.⁵

12.3 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

12.4 Permit holders must have in place arrangements for such supervision.

⁵ Compliance with these provisions is a condition of the relevant permit as a result of the Gambling Act 2005: section 271 for Club Gaming Permits, section 273 for Club Machine Permits, section 282 for alcohol licensed premises using their automatic machine permissions and section 283 for licensed premises Gaming Machine Permits and alcohol licensed premises Gaming Machine Permits.

12.5 All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machine in order to do so. 'ATM' means a machine located on the premises, which enables a person using it to obtain cash by use of a credit or debit card.

Access to gambling by children and young persons

Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.

- 12.6** Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
- checking the age of those who appear underage;
 - refusing entry to anyone unable to produce an acceptable form of identification.
- 12.7** Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
- 12.8** Permit holders should only accept identification which:
- contains a photograph from which the individual can be identified
 - states the individual's date of birth
 - is valid
 - is legible and has no visible signs of tampering or reproduction.
- 12.9** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.
- 12.10** Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Commission and the police, and making available information on problem gambling.

Complaints and disputes

Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.

- 12.11** Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises.
- 12.12** A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
- a) is not resolved at the first stage of the complaints procedure, and
 - b) relates to the outcome of the complainant's gambling transaction.
- 12.13** Permit holders should ensure that:
- customers are told the name and status of the person to contact about their complaint
 - customers are given a copy of the complaints procedure on request or on making a complaint
 - all complaints are handled in accordance with the procedure.

Keeping gambling fair and safe for all

For further information or to register your interest in the Commission please visit our website at:
www.gamblingcommission.gov.uk

Copies of this document are available in alternative formats on request.

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6666
F 0121 230 6720
E info@gamblingcommission.gov.uk

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