



## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 17TH APRIL, 2018 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

G Hyde - Killingbeck and Seacroft;  
C Townsley - Horsforth;  
G Wilkinson - Wetherby;

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Agenda compiled by:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 0113 3788662

# A G E N D A

Item No	Ward	Item Not Open		Page No
2			<p><b><u>PRELIMINARY PROCEDURES</u></b></p> <p><b>ELECTION OF THE CHAIR</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><b><u>HEARINGS</u></b></p>	
6	Calverley and Farsley		<p><b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR PAPAYA 501 BRADFORD ROAD, STANNINGLEY, PUDSEY, LS28 8EE</b></p> <p>The report of the Head of Elections, Licensing and Registration requests Members to consider an application for the grant of a premises licence, made by Baboshka Limited, for Papaya 501 Bradford Road, Stanningley, Pudsey, LS28 8EE.</p> <p>(Report attached)</p>	1 - 24
7	Morley South		<p><b>GAMBLING ACT 2005 - APPLICATION FOR A PREMISES LICENCE (BETTING PREMISES) BETFRED, 86C QUEEN STREET, MORLEY LS27 9BP</b></p> <p>The report of the Head of Elections, Licensing and Registration advises Members of an application made under Part 8 of the Gambling Act 2005 (the Act) for the grant of a betting premises licence in respect of 86c Queen Street, Morley, Leeds LS27 9BP.</p> <p>(Report attached)</p>	25 - 138
8	Otley and Yeadon		<p><b>APPLICATION TO VARY A PREMISES LICENCE HELD BY BEST KEBAB 48 &amp; 50 WESTGATE, OTLEY, LS21 3AS</b></p> <p>The report of the Head of Elections, Licensing and Registration asks Members to consider an application to vary a premises licence, made by Mr Sajid Khan, for Best Kebab 48 &amp; 50 Westgate, Otley, LS21 3AS.</p> <p>(Report attached)</p>	139 - 160

Item No	Ward	Item Not Open		Page No
			<p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	

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Report author: Mrs Victoria Radford  
0113 378 5029

## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

Date: 17th April 2018

Subject: Application for the grant of a premises licence for Papaya 501 Bradford Road, Stanningley, Pudsey, LS28 8EE

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Calverley & Farsley		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

This is an application for the grant of a premises licence, made by Baboshka Limited, for Papaya 501 Bradford Road, Stanningley, Pudsey, LS28 8EE.

Please refer to point 2.3 of the report for details of the activities and timings.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from local ward councilors.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of the premises**

- 2.1 This premises was previously licensed under the Licensing Act 2005 and traded under the name of the Farmers. The premises had the benefit of a licence for Sale of Alcohol, Regulated Entertainment and Late Night Refreshment between the hours of 10:00 – 01:00 Thursday to Saturday and 10:00 – 00:00 Sunday to Wednesday. The licence was surrendered in December 2015 by the premises licence holder.
- 2.2 The applicant's name is Baboshka Limited.
- 2.3 The proposed designated premises supervisor is Mr Sajid Pervaiz
- 2.4 In summary the application is for:

*Late Night Refreshment*

*Every Day 23:00 – 02:30*

*Recorded Music*

*Sale of Alcohol (for consumption on the premises)*

*Every Day 15:00 – 02:00*

*Non standard timings*

*From the start of permitted hours on New Year's Eve to the end of permitted hours New Year's Day.*

*An extra hour on the day when British Summer Time commences.*

## **3 The operating schedule**

- 3.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule and/or the proforma risk assessment which is attached at Appendix A.

## **4 Location**

- 4.1 A map which identifies the location of this premises is attached at Appendix B.



## **5 Representations**

- 5.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### Representations from Responsible Authorities

- 5.2 Representations have been received from West Yorkshire Police in their capacity as a responsible authority.
- 5.3 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the representation and agreement may be found at Appendix C.

### Other representations

- 5.4 The application has attracted representation from local ward councillors (described as 'other persons' in the legislation).
- 5.5 The licensing authority is in receipt of comments from the three ward councillors who have concerns regarding the application and are opposing it on the grounds of public nuisance.
- 5.6 A copy of the representation is attached at Appendix D.

## **6 Licensing hours**

- 6.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 6.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 6.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix E.

## **7 Equality and diversity implications**

- 7.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **8 Options available to Members**

8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

## **9 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

**M** Describe the steps you intend to take to promote the four licensing objectives

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recordings shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a Police Officer or an authorised Officer of the Licensing Authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.

**b) The prevention of crime and disorder**

All staff shall be trained in the following: recognising signs of drunkenness, how to refuse service and the Premises Licence and Conditions. Documented records of training shall be kept for each member of staff.

The requirement for door staff to be regularly risk assessed, and door staff to be appointed in such numbers and at such times as determined by Risk Assessment.

**c) Public safety**

All firefighting equipment to be inspected and serviced in line with the appropriate British Standard.

**d) The prevention of public nuisance**

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

Staff shall monitor customers smoking outside the premises on a regular basis and ensure that patrons do not cause a public nuisance.

The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

# APPENDIX A

## e) The protection of children from harm

The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card Driving Licence or a card bearing the PASS hologram

The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation

In addition to any other training, the Premises Licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, maintain a refusals log and monitor staff to ensure that their training is put into place

### Checklist

Please tick to indicate agreement

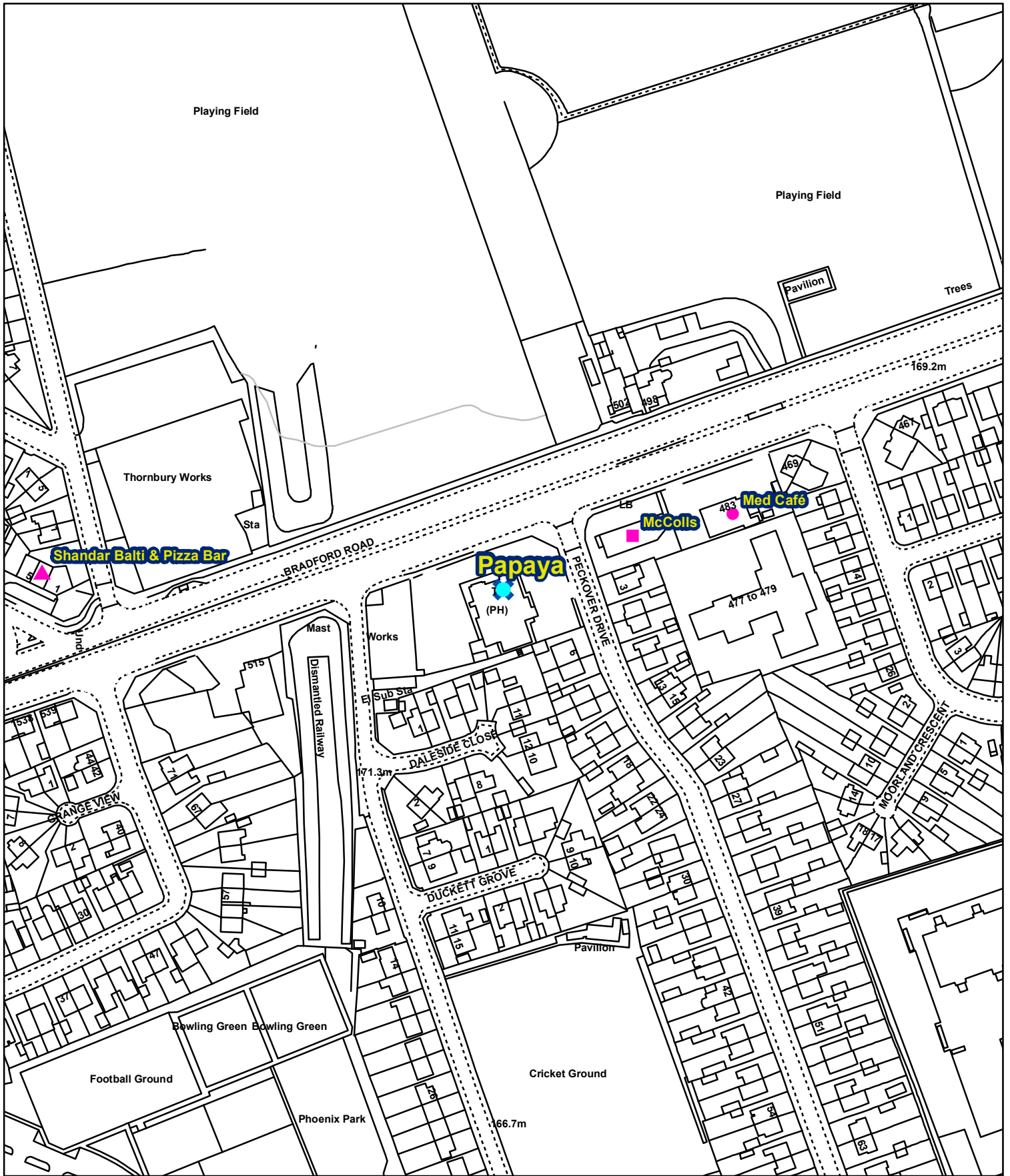
- I have made or enclosed payment of the fee x
- I have enclosed the plan of the premises x
- I have sent copies of this application and the plan to responsible authorities and others where applicable x
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable x
- I understand that I must now advertise my application x
- I understand that if I do not comply with the above requirements my application will be rejected
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15) x

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**Part 4 – Signatures** (please read guidance note 11)

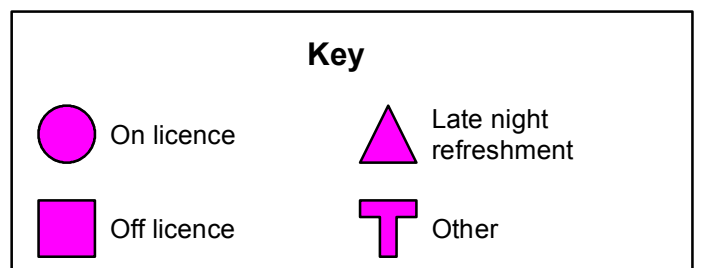
**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12) **If signing on behalf of the applicant, please state in what capacity**



This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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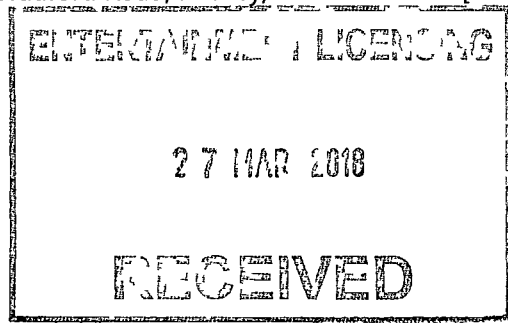


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Arem 10456/001

White, Emma

**From** Forrest Natasha <Natasha.Forrest@westyorkshire.pnn.police.uk>  
**Sent** 27 March 2018 16:00  
**To** Entertainment Licensing  
**Cc** bob.patterson@westyorkshire.pnn.police.uk, Blenkhorn, Sarah, Radford, Victoria, Stephanie Williams  
**Subject** FW: Papaya Bar and Restaurant, 501 Bradford Road, Pudsey, Leeds LS28 8EE [NOT PROTECTIVELY MARKED]  
**Attachments** scan.pdf



Classification NOT PROTECTIVELY MARKED

Entertainment Licensing,

Please note the attached signed Part 2

Subject to the agreed condition being incorporated into the operating schedule of the premises licence I can confirm that West Yorkshire Police now withdraw their objection

Many Thanks,

**Natasha Forrest**  
 Leeds District Licensing  
 Leeds District Headquarters  
 Elland Road, Leeds, LS11 8BU  
 Internal 50217  
 External 0113 385 9417

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**From** Stephanie Williams [mailto:SW@licensinglegal.co.uk]  
**Sent** 27 March 2018 15:57  
**To** Forrest, Natasha <Natasha.Forrest@westyorkshire.pnn.police.uk>  
**Subject** RE: Papaya Bar and Restaurant, 501 Bradford Road, Pudsey, Leeds LS28 8EE [NOT PROTECTIVELY MARKED]

Dear Natasha

Many thanks for your e-mail. I have attached the completed Part 2 as requested

Should you require anything further, then please don't hesitate to contact me

Kind regards

Stephanie

**Stephanie Williams**  
 (Practice Manager)  
 Tel 0161 237 9961 (Option 2)  
 Fax 0161 237 9447



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**From** Forrest, Natasha [<mailto:Natasha.Forrest@westyorkshire.pnn.police.uk>]

**Sent** 27 March 2018 15:42

**To** Stephanie Williams <[SW@licensinglegal.co.uk](mailto:SW@licensinglegal.co.uk)>

**Cc** Anthony Horne <[AMH@licensinglegal.co.uk](mailto:AMH@licensinglegal.co.uk)>, [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk), Blenkhorn, Sarah <[sarah.blenkhorn@westyorkshire.pnn.police.uk](mailto:sarah.blenkhorn@westyorkshire.pnn.police.uk)>, Patterson, Bob <[bob.patterson@westyorkshire.pnn.police.uk](mailto:bob.patterson@westyorkshire.pnn.police.uk)>, [victoria.radford@leeds.gov.uk](mailto:victoria.radford@leeds.gov.uk)

**Subject** RE Papaya Bar and Restaurant, 501 Bradford Road, Pudsey, Leeds LS28 8EE [NOT PROTECTIVELY MARKED]

Classification NOT PROTECTIVELY MARKED

Good Morning Stephanie,

Thank you for getting back to me. Apologies if it appears some of the conditions are duplicated, some of the conditions proposed are taken from the form V7, I believe they make some of the conditions a little clearer and bring the CCTV in line with the Home Office standards.

The 31 day capacity for CCTV is a guideline set by the Home Office, I have attached the document stating these guidelines. We would prefer 31 day retention of footage, however, as Papaya is a food led premises and due to the conditions in place, we would be willing to allow the 28 days on this occasion.

I am grateful we have reached an agreement, once we have received the signed part 2 we shall then withdraw the police representations.

Kind Regards,

**Natasha Forrest**

Leeds District Licensing

Leeds District Headquarters

Elland Road, Leeds, LS11 8BU

Internal 50217

External 0113 385 9417

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**From** Stephanie Williams [<mailto:SW@licensinglegal.co.uk>]

**Sent** 26 March 2018 15:42

**To** Forrest, Natasha <[Natasha.Forrest@westyorkshire.pnn.police.uk](mailto:Natasha.Forrest@westyorkshire.pnn.police.uk)>, Patterson, Bob

<[bob.patterson@westyorkshire.pnn.police.uk](mailto:bob.patterson@westyorkshire.pnn.police.uk)>, Blenkhorn, Sarah <[sarah.blenkhorn@westyorkshire.pnn.police.uk](mailto:sarah.blenkhorn@westyorkshire.pnn.police.uk)>, [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

**Cc** Anthony Horne <[AMH@licensinglegal.co.uk](mailto:AMH@licensinglegal.co.uk)>

**Subject** Papaya Bar and Restaurant, 501 Bradford Road, Pudsey, Leeds LS28 8EE

Further to your e-mail of the 20<sup>th</sup> March 2018 the Applicant is happy to comply with the requested Conditions, however the existing CCTV has a 28-day capacity as against the requested 31-day capacity, so we would be grateful if this could be amended.



Please also note that there is some duplication in terms of the requested additional Conditions and those already to be found in the Operating Schedule accompanying the original application

Kind regards

Stephanie

**Stephanie Williams**  
(Practice Manager)

Tel 0161 237 9961 (Option 2)  
Fax 0161 237 9447



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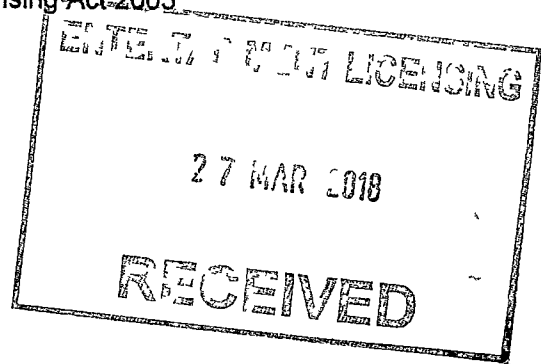
**NOT PROTECTIVELY MARKED**

**PART 2 – to be completed by the applicant or applicant's representative**

Consent for all proposed control measures under the Licensing Act 2003

Name & Address of Premises

PAPAYA BAR AND RESTAURANT  
501 BRADFORD ROAD  
PUDSEY  
LS28 8EE



*We Licensing legal solicitors*

confirm that ~~I am~~ / we are ~~the applicant~~ the applicant's representative (delete as appropriate) for the premises as stated above

In signing this document-

- *I* we agree with the measures proposed by West Yorkshire Police,
- *I* we provide our consent for the Licensing Authority to incorporate the said measures into the operating schedule for the stated premises, and furthermore,
- *I* we confirm the premises will then operate in accordance with those measures agreed to

*as amended + agreed in our e-mail of the 27/03/18.*

Signed *Licensing legal solicitors*

Dated *27/03/2018*

**NOT PROTECTIVELY MARKED**

**Wood, Jane**

---

**From** Forrest Natasha <Natasha.Forrest@westyorkshire.pnn.police.uk>  
**Sent** 21 March 2018 08:55  
**To** Amh@licensing.legal.co.uk  
**Cc** bob.patterson@westyorkshire.pnn.police.uk, Blenkhorn, Sarah, Entertainment Licensing  
**Subject** Papaya Bar and Restaurant, Pudsey [NOT PROTECTIVELY MARKED]  
**Attachments** PAPAYAAPPLICATION.doc

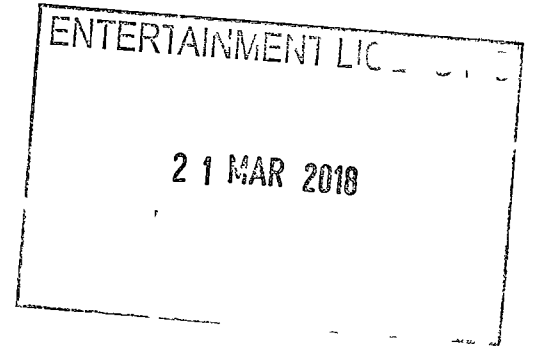
Classification NOT PROTECTIVELY MARKED

Entertainment Licensing

Please accept the attached police 'qualified' objections to the above mentioned application for a new premises licence. I am hopeful that agreements can be reached.

Yours faithfully,

**Natasha Forrest**  
 Leeds District Licensing  
 Leeds District Headquarters  
 Elland Road, Leeds, LS11 8BU  
 Internal 50217  
 External 0113 385 9417



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**WEST YORKSHIRE  
POLICE**

*Leeds District Licensing Department*

Leeds District Licensing Department  
First Floor  
Elland Road DHQ  
Elland Road  
Leeds  
LS11 8BU

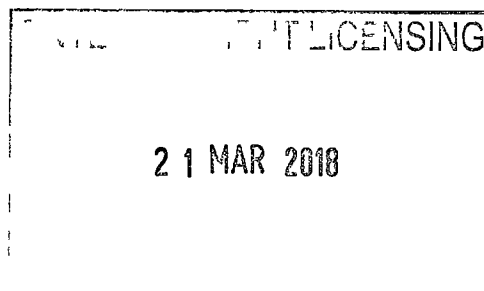
Tel 0113 3859417

Email

natasha.forrest@westyorkshire.pnn.police.uk

20<sup>th</sup> March 2018

Licensing Legal Solicitors  
Barclay House  
35 Whitworth Street West



cc Entertainment Licensing Section Leeds City-Council, Civic Hall, Leeds LS1 1UR

**RE PAPAYA BAR AND RESTAURANT, 501 BRADFORD ROAD, PUDSEY, LS28 8EE  
APPLICATION FOR NEW PREMISES LICENCE – LICENSING ACT 2003  
POLICE – LETTER OF REPRESENTATION – ‘QUALIFIED’ OBJECTION**

Thank you for submitting your application for a new premises licence at the above address which we received on 26<sup>th</sup> February 2018

West Yorkshire Police are of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives

We therefore confirm that we are submitting a formal representation against your application on the grounds of-

- 1 the prevention of crime & disorder
- 2 public safety

However, we are of the opinion that the licensing objectives could be met should you be prepared to incorporate certain identified measures within your operating schedule as conditions

Please find enclosed a document which at **Part 1** contains the suggested measures which this authority considers are proportionate and appropriate to the nature of your application

Should you be in agreement with the suggested measures then please signify this by completing and signing **Part 2** of the enclosed form and return the complete document to this office as soon as possible. Upon receipt of your consent at **Part 2** it will be taken that you signify your wishes for the licensing authority to amend your operating schedule to incorporate the proposed measures as conditions

NOT PROTECTIVELY MARKED

# NOT PROTECTIVELY MARKED

Alternatively should you disagree with the proposed measures, then please complete **Part 3** and again return the complete document to this office as soon as possible

---

## PART 1 - to be completed by the Responsible Authority

**West Yorkshire Police** propose the following control measures under the Licensing Act 2003 (in **addition** to those that you may have already offered), for the premises-

**PAPAYA BAR AND RESTAURANT**  
**501 BRADFORD ROAD**  
**PUDSEY**  
**LS28 8EE**

Having considered the application under the Licensing Act 2003 for the above premises, West Yorkshire Police considers that the following measures are relevant, proportionate and necessary in order to promote the following licensing objectives-

- the prevention of crime & disorder
- public safety

### Measures / Additional measures proposed

- A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises
- The CCTV system will contain the correct time and date stamp information
- The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality
- The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media
- The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises
- The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises
- The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident
- The Incident Report Register will be produced for inspection immediately on the request of an authorised officer and retained on the premises for 12 months after the last date of entry
- The premises shall be and remain predominantly food led
- An agreed minimum number of covers will be maintained at all times the premises are operating  
The minimum number of covers will be 140
- The sale/supply of alcohol shall only be made to accompany the sale of food This does not preclude the sale/supply of alcohol to a person waiting to be seated in the restaurant or at the conclusion of the meal

NOT PROTECTIVELY MARKED

## **NOT PROTECTIVELY MARKED**

West Yorkshire Police are satisfied that the proposed measures are not adequately dealt with by other legislation

By signing the declaration enclosed overleaf at **Part 2**, the applicant agrees to incorporate the proposed measures within the Operating Schedule for the said premises

Upon the satisfactory completion of the declaration, West Yorkshire Police will provide notice to the Licensing Authority that our representation is withdrawn in accordance with schedule 10(a) of the Licensing Act 2003 (Hearings) Regulations 2005

Natasha Forrest  
Leeds District Licensing Officer  
West Yorkshire Police

**NOT PROTECTIVELY MARKED**

# NOT PROTECTIVELY MARKED

## PART 2 – to be completed by the applicant or applicant's representative

Consent for all proposed control measures under the Licensing Act 2003

Name & Address of Premises

**PAPAYA BAR AND RESTAURANT  
501 BRADFORD ROAD  
PUDSEY  
LS28 8EE**

I / We

confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above

In signing this document-

- I / we agree with the measures proposed by West Yorkshire Police,
- I / we provide our consent for the Licensing Authority to incorporate the said measures into the operating schedule for the stated premises, and furthermore,
- I / we confirm the premises will then operate in accordance with those measures agreed to

**Signed**

**Dated**

**NOT PROTECTIVELY MARKED**



# NOT PROTECTIVELY MARKED

## PART 3 – to be completed by the applicant or applicant's representative

Proposed control measures under the Licensing Act 2003

Name & Address of Premises

**PAPAYA BAR AND RESTAURANT  
501 BRADFORD ROAD  
PUDSEY  
LS28 8EE**

I / We

confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above

I / We formally advise that we are not prepared to accept the proposed measures as suggested by the West Yorkshire Police

In this instance we understand that West Yorkshire Police will maintain their representation to my /our application, which will now proceed to a hearing before the Licensing Sub-Committee, at which I / we will be required to attend

Signed

Dated

NOT PROTECTIVELY MARKED

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# Appendix D

**From:**Adamson, Linda  
**Sent:**Thu, 22 Mar 2018 15:29:46 +0000  
**To:**Radford, Victoria  
**Cc:**Carter, Cllr Amanda;Wood, Cllr Rod  
**Subject:**LICENSING APPLICATION - PAPAYA, 501 BRADFORD ROAD

Dear Ms Radford,

Following our meeting today, we are writing in connection with the above licensing application, to set out our concerns. We have also taken note of the concerns expressed by the police.

1. The premises concerned are very close to residential dwellings on Peckover Drive. Indeed the car park abuts the boundary of one dwelling.
2. In light of the above, we believe the licensing hours applied for are too late and should certainly not run until 2 a.m. in the morning.
3. We find it difficult to believe that the establishment would be serving food until 2 a.m. in the morning, despite the fact that it would appear that the alcohol licence applies to people dining in the Restaurant. Our conclusion is that from the late evening, into the early hours of the morning, this would be a Bar.
4. We completely endorse the comments made by the police relating to CCTV cameras and the need for them to be fully operational and administered by a competent person; it will be essential.

In conclusion, we believe that the building and its car park are too close to residents' homes to allow a licence until 2 a.m., with closure of the premises at 2.30 a.m., and the licence therefore should be restricted. We don't accept that the sale of alcohol will be restricted only to diners, the establishment will effectively be a restaurant, with late night drinking.

We would also like to know what controls could be placed on the setting off of fireworks, etc.

Could you please advise us when this application will go before the Panel.

Cllr Andrew Carter CBE

Leader of the Conservative Group

Calverley & Farsley Ward

Please reply direct to [andrew.carter@leeds.gov.uk](mailto:andrew.carter@leeds.gov.uk)

Dictated by Councillor Andrew Carter CBE

and sent on his behalf by

Linda Adamson,

Senior Support Officer

Leeds City Council

(0113) 37 88006

Fax: (0113) 3367008

## Issued premises licences and club certificates within an area



### **PREM/02036/005 - McColls, 489 Bradford Road, Stanningley, Pudsey, Leeds, LS28 8ED**

Sale by retail of alcohol  
Every Day 06:00 - 23:00

### **PREM/00492/006 - Odeon Cinema, Odeon Cinemas Ltd, Gallagher Leisure Park, Dick Lane, Thornbury, Bradford, BD3 7AT**

Sale by retail of alcohol  
Every Day 00:00 - 23:59  
Provision of late night refreshment  
Every Day 23:00 - 05:00  
Exhibition of a film  
Every Day 00:00 - 23:59  
Performance of recorded music  
Every Day 00:00 - 23:59  
Entertainment similar to live music, recorded music or dance  
Every Day 00:00 - 23:59

### **PREM/02876/005 - Sport Zone, Dick Lane, Thornbury, Bradford, BD3 7AT**

Sale by retail of alcohol  
Monday to Saturday 10:00 - 23:30  
Sunday 10:00 - 22:30  
Provision of late night refreshment  
Monday to Saturday 23:00 - 23:30  
Exhibition of a film  
Monday to Saturday 10:00 - 23:30  
Sunday 10:00 - 22:30  
Indoor sporting events  
Monday to Saturday 10:00 - 23:30  
Sunday 10:00 - 22:30  
Performance of live music  
Monday to Saturday 10:00 - 23:30  
Sunday 10:00 - 22:30  
Performance of recorded music  
Monday to Saturday 10:00 - 23:30  
Sunday 10:00 - 22:30  
Entertainment similar to live music, recorded music or dance  
Monday to Saturday 10:00 - 23:30  
Sunday 10:00 - 22:30

**PREM/02714 - Aagrah Restaurant & The Midpoint Suite, The Aagrah Building, Mid Point, Thornbury, Bradford, BD3 7AY**

Sale by retail of alcohol	
Wednesday to Saturday	08:00 - 02:30
Sunday to Tuesday	08:00 - 00:30
Provision of late night refreshment	
Wednesday to Saturday	23:00 - 02:30
Sunday to Tuesday	23:00 - 00:30
Performance of a play	
Wednesday to Saturday	08:00 - 02:30
Sunday to Tuesday	08:00 - 00:30
Exhibition of a film	
Wednesday to Saturday	08:00 - 02:30
Sunday to Tuesday	08:00 - 00:30
Performance of live music	
Wednesday to Saturday	08:00 - 02:30
Sunday to Tuesday	08:00 - 00:30
Performance of recorded music	
Wednesday to Saturday	08:00 - 02:30
Sunday to Tuesday	08:00 - 00:30
Performance of dance	
Wednesday to Saturday	08:00 - 02:30
Sunday to Tuesday	08:00 - 00:30
Entertainment similar to live music, recorded music or dance	
Wednesday to Saturday	08:00 - 02:30
Sunday to Tuesday	08:00 - 00:30

**PREM/01837 - Shandar Balti & Pizza Bar, 3 Gain Lane, Thornbury, Bradford, BD3 7DN**

Provision of late night refreshment	
Every Day	23:00 - 03:00

**PREM/02081 - St James The Great Church, Galloway Lane, Stanningley, Pudsey, Leeds, LS28 8JR**

Performance of a play	
Every Day	08:00 - 23:00
Exhibition of a film	
Every Day	08:00 - 23:00
Indoor sporting events	
Every Day	08:00 - 23:00
Performance of live music	
Every Day	08:00 - 23:00
Performance of recorded music	
Every Day	08:00 - 23:00
Performance of dance	
Every Day	08:00 - 23:00
Entertainment similar to live music, recorded music or dance	
Every Day	08:00 - 23:00

## Report of the Head of Licensing and Registration

### Report to the Licensing Sub Committee

**Date:** Tuesday 17<sup>th</sup> April 2108

**Subject: Gambling Act 2005**  
**Application for a Premises Licence (Betting Premises)**  
**Betfred, 86c Queen Street, Morley LS27 9BP**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): <b>Morley South</b>		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number: Appendix 6 is exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3)		

### Summary of Main Issues

This is an application for a new Betting Premises Licence for premises at 86c Queen Street, Morley, Leeds LS27 9BP.

#### 1.0 Purpose of the Report

- 1.1 To advise Members of an application made under Part 8 of the Gambling Act 2005 (the Act) for the grant of a betting premises licence in respect of 86c Queen Street, Morley, Leeds LS27 9BP.
- 1.2 Members are required to consider this application due to the receipt of representations.

#### 2.0 History of Premises

- 2.1 This is the first application under the Act for the premises.

#### 3.0 The Application

- 3.1 The application has been made by Done Brothers (Cash Betting) Limited, T/A Betfred, Spectrum, 56-58, Benson Road, Birchwood, Warrington, WA3 7PQ.

- 3.2 The premises are located at 86c Queen Street, Morley, Leeds LS27 9BP.
- 3.3 A copy of the application may be found at **Appendix 1**. A plan showing the extent of the licensed premises and the proposed internal layout will be available at the meeting.
- 3.4 A map which identifies the location of these premises is attached at **Appendix 2**.
- 3.5 The Act requires notice of the application to be served on the responsible authorities, advertised in a local newspaper and displayed on the premises where it can be conveniently be read by members of the public from the exterior of the premises for a period of no less than 28 consecutive days.

#### **4.0 Representations**

- 4.1 Under the Act representations can be received from responsible authorities or interested parties.
- 4.2 For the purpose of this Act, the responsible authorities are:
- Licensing Authority
  - Gambling Commission
  - Fire and Rescue Authority
  - HM Revenue and Customs
  - Safeguarding Children Board
  - West Yorkshire Police
  - Planning and Development Services
  - Environmental Health Services
- 4.3 For the purpose of this Act, interested parties are a person who:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - (b) has business interests that might be affected by the authorised activities; or
  - (c) represents persons in either of these two groups.
- 4.4 The authority may determine whether representations made are vexatious or frivolous, or will certainly not influence the authority's determination of the application.

#### Representations from Responsible Authorities

- 4.5 This application has not attracted any representation from any of the responsible authorities.

#### Representations from Interested Parties

- 4.6 This application has attracted representation from an Elected Member.
- 4.7 In summary the representation is concerning the number of betting shops in Morley and the negative impact on local children and young people.



4.8 Copies of this representation may be found at **Appendix 3** of this report.

## **5.0 Principles to be Applied**

5.1 The Act (s153) sets out that the licensing authority, in exercising their functions, shall aim to permit the use of premises for gambling in so far as the authority thinks it:

- (a) in accordance with any relevant code of practice under section 24 of the Act (Gambling Commission Codes of Practice);
- (b) in accordance with any relevant guidance issued by the Commission under section 25 (Gambling Commission Guidance to Licensing Authorities);
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)); and
- (d) in accordance with the statement published by the authority under s 349 of the Act (Gambling Act 2005 Statement of Licensing Policy) (subject to paragraphs (a) to (c)).

5.2 The Gambling Commission Codes of Practice as mentioned above describes the arrangements that should be made by a person providing facilities for gambling for the purpose of:

- (a) ensuring that gambling is conducted in a fair and open way;
- (b) protecting children and other vulnerable persons from being harmed or exploited by gambling; and
- (c) making assistance available to persons who are or may be affected by problems related to gambling.

5.3 The codes may also include provision about how facilities for gambling are advertised or described.

5.4 A copy of the Gambling Commission's Licence Conditions and Codes of Practice (consolidated for all forms of gambling) dated April 2018, is attached at **Appendix 4** for members information.

5.5 The Act (s153(2)) also sets out that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which is proposed to provide.

## **6.0 Planning Permission**

6.1 Members should note that in accordance with Section 210 of the Gambling Act 2005, any decision made by the licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating planning or building.

6.2 It should also be noted that a decision by the licensing authority under this part shall not constrain any later decision by the authority under the law in relation to planning or building.

## 7.0 Licensing Objectives

7.1 The licensing authority should carry out its function under the Act with a view to promoting the 3 licensing objectives:

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

## 8.0 Mandatory and Default Licence Conditions

8.1 The Secretary of State provides for mandatory conditions (s167) and default conditions (s168) to be attached to specified premises licences.

8.2 The default conditions for a betting premises licence set out the opening times which are:

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

8.3 The mandatory and default conditions applicable to betting premises may be found at **Appendix 5**.

8.4 Section 169 of the Act provides for that where a licensing authority issue a premises licence they may

- (a) attach a condition to the licence; and/or
- (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 (default conditions)

8.5 A licensing authority may not attach a condition to a premises licence which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted (s169(4)).

## 9.0 Operating Licence

9.1 A premises licence may not take effect unless the applicant is in possession of an operating licence issued by the Gambling Commission. This will be specific to the gambling activities to be carried out.

9.2 It is confirmed that Done Brothers (Cash Betting) T/A Betfred holds the relevant operating licence.

## 10.0 Licence Conditions & Codes of Practice

10.1 The Licence Conditions and Codes of Practice (LCCP) set out the requirements operators must meet in order to hold an operating licence. There are four types of licence condition, and they have different status in the law, but operators need to comply with them all. Codes of practice are either social responsibility code provisions - which must be adhered to by all licence holders or ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

10.3 The Gambling Commission has powers to take action against licensed operators who fail to comply.

10.4 In Section 10 of the LCCP, operators are required to undertake a local risk assessment:

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy
2. Licensees must review (and update as necessary) their local risk assessments:
  - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c. when applying for a variation of a premises licence; and in any case, undertake a local risk assessment when applying for a new premises licence.

10.5 The applicant has supplied a local area risk assessment which identifies measures that the premises will undertake to mitigate any impact on the licensing objectives having regard to the area in which the premises are located. A copy of the local area risk assessment (entitled General Risk Assessment) is attached at **Appendix 6** to this report.

10.6 It should be noted that the contents of Appendix 6 is potentially exempt information under Access to Information Procedure Rules 10.4(3) as this includes information relating to the financial or business affairs of any particular person and in all circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 11.0 Gaming Machine Limits

11.1 In addition to authorising the provision of betting facilities, a betting premises licence allows for the provision of a maximum of 4 machines of categories B2 to D:

Category of Machine	Maximum Stake	Maximum Prize
*B2 (FOBT)	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D – various)	Ranging from 30p to £1	Ranging from £5 to £8 and £50 for crane grab

\*The B2 is not a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal. These machines generally appear in licensed betting offices, have touch screen displays and look similar to quiz machines. They normally offer a number of games; roulette being the most popular.

## 12.0 Primary Gambling Activity

12.1 The primary gambling activity of the premises should be that described, i.e. a betting premises should primarily be a place for the making of bets and any other gaming facilities, i.e. gaming machines, should be ancillary to the betting facilities.

12.2 In order to satisfy the licensing authority that the primary use of the premises will be that of betting and that the premises will be adequately supervised for the purpose of satisfying the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling', Done Brothers (Cash Betting) T/A Betfred have supplied a Risk Assessment (entitled General Risk Assessment) which includes social responsibility details such as under age persons procedures, Think 21 procedures, vulnerable persons procedures and self-exclusion schemes, a copy of which is attached at **Appendix 6** (exempt information).

## 13.0 Equality, Diversity, Cohesion and Integration

13.1 At the time of writing this report there were no implications for equality, diversity, cohesion or integration. Any decision taken by the Licensing Sub-Committee will be in accordance with the Gambling Act 2005.

## 14.0 Options available to Members

14.1 The licensing sub-committee must take such of the following steps as it considers necessary with a view to promoting the licensing objectives and in accordance with the principles as set out at paragraph 5 of this report, and:

- Grant the application as applied for;
- Grant the application and exclude any default conditions;
- Grant the application with conditions provided these do not contravene s169(4) of the Act and prevent compliance of the Operating Licence, or mandatory conditions; or
- Refuse the application.

## **15.0 Appendices**

Appendix 1: Copy of application

Appendix 2: Area map

Appendix 3: Interested Party representation

Appendix 4: Gambling Commission's Licence Conditions and Code of Practice

Appendix 5: Betting Premises Licence Mandatory and Default Conditions

Appendix 6: Local Area Risk Assessment (Exempt Information)

## **16.0 Background Papers**

None

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

Where the application is—

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

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

**Part 1 – Type of premises licence applied for**

Regional Casino                       Large Casino                       Small Casino   
 Bingo                                       Adult Gaming Centre                       Family Entertainment Centre   
 Betting (Track)                       Betting (Other)

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

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

**Part 2 – Applicant Details**

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

**Section A**

**Individual applicant**

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

2. Surname: \_\_\_\_\_ Other name(s): \_\_\_\_\_  
*[Use the names given in the applicant’s operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]*

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

Postcode:

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

ENTERTAINMENT LICENSING  
09 FEB 2010  
RECEIVED

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

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

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

## **Section B**

### **Application on behalf of an organisation**

6. Name of applicant business or organisation: Done Brothers (Cash Betting) Limited T/A Betfred  
*[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]*

7. The applicant's registered or principal address:

Spectrum

56-58 Benson Road

Birchwood

Warrington

Postcode: WA3 7PQ

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

000-001058-N-102469-001

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

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

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

## **Part 3 – Premises Details**

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

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

86C Queen Street

Morley

Leeds

Postcode: LS27 9BP



12. Telephone number at premises (if known): NOT KNOWN

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

The premises are a ground floor unit, being part of a two storey building. The application is to provide ground floor betting facilities, the upper floors are no part of this application.

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

No *[delete as appropriate]*

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

#### Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case?

*/No [delete as appropriate] [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]*

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

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

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

N/A

### Part 5 – Miscellaneous

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

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

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

19(a). Do you hold any other premises licences that have been issued by this licensing authority? Yes [delete as appropriate]

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

Please see attached.

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

### Part 6 – Declarations and Checklist (Please tick)

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

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

Checklist:

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

### Part 7 – Signatures

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

Signature:



Print Name: Stuart Divitt

Date: 08/02/2018 (dd/mm/yyyy) Capacity: Head of Development

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

Signature:

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ (dd/mm/yyyy) Capacity: \_\_\_\_\_

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

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

### Part 8 – Contact Details

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

Stuart Divitt

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

01925 288 592

24. Postal address for correspondence associated with this application:

Development Dept.

Betfred

Spectrum

56-58 Benson Road

Birchwood, Warrington

Postcode:WA3 7PQ

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

stuart.divitt@betfred.com

## **PART 5 – MISCELLANEOUS**

**Continued....**

### **86C Queen Street, Morley, Leeds, LS27 9BP Application for Betting Premises Licence**

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

14 Market Place, Wetherby, Yorkshire, LS22 6NE

287/289 Harehills Lane, Harehills, Leeds, LS9 6AA

29a/29b Harehills Rd, Harehills, Leeds, LS8 5HR

Unit 7, Phase 1, Morrisons Development, 8 Jail Yard Parade, Rothwell, LS26 0AF

48 Town St, Armley, Leeds. LS12 3AA

79/81 Vicar Lane, Leeds, LS1 6QA

66 Street Lane, Leeds, LS8 2DQ

79 High St, Yeadon, Leeds, LS19 7SP

37a & 37b Town St, Horsforth, Leeds, LS18 5LJ

9 Church Lane, Pudsey, Leeds, LS28 7LD

12 Swarcliffe Parade, Leeds, LS14 5AQ

2 Middleton Park Circus, Middleton, LS10 4LU

76 Harehills Road, Harehills, Leeds, LS8 5NU

61 Top Moor Side, Holbeck, Leeds, LS11 9LH

164A Town Street, Stanningley, Pudsey, LS28 6ER

94 Harrogate Road, Leeds, LS7 4LZ

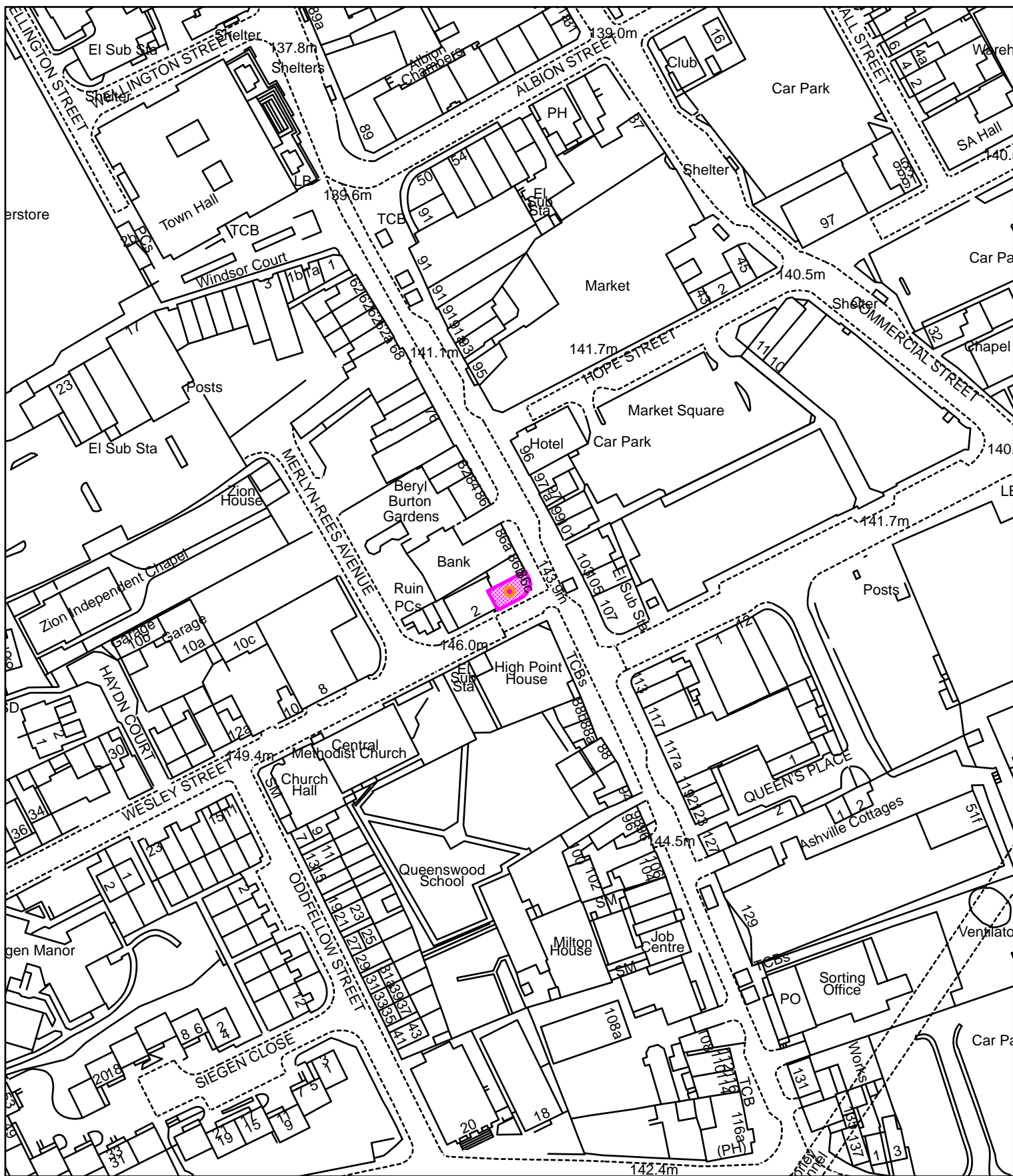
10 Bond St, Leeds, LS1 5EY

26 Austhorpe Road, Leeds, LS15 8DX

36A Lands Lane, Leeds, LS1 6LB

41 Vicar Lane, Leeds, LS1 6DS

Unit 8 Middleton District Centre, Middleton, Leeds, LS10 4AX



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**Leeds**  
CITY COUNCIL

# Representation

<b>Section 1 – Licence application details</b>	
Please indicate as appropriate	
<input checked="" type="checkbox"/> I wish to object to the following application <div style="text-align: right; margin-top: 5px;">GPREM/BET/00139/01</div>	
<input type="checkbox"/> I wish to support the following application	
Applicant premises name and address	
<b>Betfred</b> 86C Queen Street Morley Leeds LS27 9BP	<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>ENTERTAINMENT LICENSING</p> <p>12 FEB 2010</p> <p>RECEIVED</p> </div>
<b>Section 2 – Your personal details</b>	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____ Cllr _____
Surname	<b>Robert</b>
First name(s)	<b>Finnigan</b>
Address (incl postcode)	
C/o MBI Office Civic Hall Leeds	
<b>Please note that a full copy of your representation (including your name and address) will be sent to the applicant and will be a public document at the hearing. If this is a concern please contact Entertainment Licensing and we will go through your options</b>	
On what basis are you making this representation	
<input type="checkbox"/> Resident <input type="checkbox"/> Business <input checked="" type="checkbox"/> Someone representing a resident or business	
<b>Section 3 – Representation grounds</b>	
<b>The representation is relevant to one or more of the following licensing objectives</b>  <b>Please tick relevant box(es)</b>	Prevention of crime and disorder <input type="checkbox"/> Prevention of public nuisance <input type="checkbox"/> Protection of children from harm <input checked="" type="checkbox"/> Public safety <input type="checkbox"/>

Please select

- I object to the application being granted at all  
 I object to the application being granted in its current form

**The grounds of the representation are based on the following Morley Town Centre already suffers from too many betting shops. The nature of such shops – along with their promotion of on line gambling has a significant negative impact on local children and young people – encouraging them to get involved with the gambling industry. The cumulative impact of an additional betting shop normalizes the presence of such facilities and provides a temptation to many children and young people to get drawn into gambling often with negative consequences.**



You need to complete this box as fully as possible. If you do not then the Licensing Authority may not be able to assess the relevance of your representation. Try to be as specific as possible and give examples, e.g. on 1 February I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises open until 2am this will cause a nuisance to me and other residents of the street.

Signed

Date

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# GAMBLING COMMISSION

## **Licence conditions and codes of practice**

**January 2018**

**In effect from 4 April 2018**

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If using an electronic version of this document, please click on the headings to move to the relevant section or provision.

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# General introduction

- 1 This document sets out the Gambling Commission's general licence conditions and associated code of practice provisions (LCCP) under the Gambling Act 2005 (the Act).
- 2 The LCCP document sets out:
  - Part I: (in orange)** the suite of general conditions attached to operating licences
  - Part II: (in blue)** the principal code of practice, distinguishing between 'social responsibility' provisions and 'ordinary' provisions (the social responsibility provisions are in shaded boxes within the text)
  - Part III: (in purple)** the suite of general conditions attached to personal licences.
- 3 An [index](#) to the provisions is provided at the end of this document, and if using an electronic version of this document, links are provided from both the contents and index pages to aid navigation.
- 4 Copies of LCCP can be obtained from the Commission's website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or by writing to:

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
T 0121 230 6666  
F 0121 230 6720  
E [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

- 5 The Commission also produces sector-specific extracts of LCCP and these will be made available on the website. Further information about the history of LCCP (such as the results of completed consultations) and potential future amendments to LCCP can also be found on the website.
- 6 This version of LCCP comes into force on 4 April 2018 for all operators and personal licence holders.
- 7 Relevant requirements of the conditions and code provisions have been notified in draft to the European Commission in accordance with Directive (EU) 2015/1535.

# Part I: Suite of general conditions attached to operating licences under Section 75 of the Gambling Act 2005 (the Act)

## 1 Qualified persons and personal licences

### 1.1 Qualified persons

#### **Licence condition 1.1.1**

##### **Qualified persons – qualifying position**

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

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

<sup>1</sup> The schedules mentioned here will be attached to individual licences.

#### **Licence condition 1.1.2**

##### **Qualified persons – tracks**

##### **All non-remote general betting operating licences issued to small-scale operators**

- 1 Schedule Y<sup>1</sup> to this licence lists those of the licensee’s employees whose details have been provided to the Commission as authorised by the licensee to accept bets on the licensee’s behalf on a track otherwise than under the supervision of a qualified person present on the same track.
- 2 Should the licensee wish to add an individual to the list or remove the name of an individual from the list the licensee must make application to the Commission under section 104(1)(b) of the Act for amendment of that detail of the licence. Any employee the licensee wishes to add to the list may act unsupervised pending amendment of the licence provided a valid amendment application has been lodged with the Commission.
- 3 In this condition ‘qualified person’ has the same meaning as in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.

<sup>1</sup> The schedules mentioned here will be attached to individual licences.

## 1.2 Personal licences

### Licence condition 1.2.1

#### Specified management offices – personal management licences

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

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



### **Licence condition 1.2.2**

#### **Specified management offices – casino personal functional licences**

##### **All non-remote casino operating licences, except ancillary remote licences**

- 1** In addition to paragraphs **1** to **6** in licence condition **1.2.1**, licensees must ensure that if any of the following operational functions:
  - a** dealer in respect of casino games
  - b** cashier
  - c** inspector
  - d** security staff employed to watch gaming
  - e** supervisor of gaming activities

is performed in connection with the licensed activities, it is performed by an individual who holds a personal licence authorising performance of the function (hereafter 'a personal functional licence'). Licensees must take all reasonable steps to ensure that anything done in the performance of those functions is done in accordance with the terms and conditions of the personal functional licence.

### **Licence condition 1.2.3**

#### **Specified management offices – lottery personal management licences**

##### **All lottery operating licences issued to non-commercial societies and local authorities**

- 1** Subject to **5** below, licensees must ensure that the individual who occupies the management office specified in **2** below in or in respect of the licensee or in connection with the licensed activities holds a personal licence authorising the performance of the functions of that office (hereafter 'a personal management licence').
- 2** The specified management office is that director's post in the case of a licensee which is a company, that partner in the case of a licensee which is a partnership, or that office in a licensee which is an unincorporated association or local authority, the occupier of which has overall management responsibility for the promotion of the lottery.
- 3** Licensees must take all reasonable steps to ensure that anything done in the performance of the functions of a specified management office is done in accordance with the terms and conditions of the holder's personal management licence.
- 4** Where an individual is authorised by a personal licence and that licence comes under review under section 116(2) of the Act, the operating licensee must comply with any conditions subsequently imposed on that licence by the Commission about redeployment, supervision, or monitoring of the individual's work and any requirements of the Commission in respect of such matters applicable during the period of the review.
- 5** Paragraphs **1** to **4** above shall not apply to a licensee for so long as the licensee is a 'small-scale operator' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.

## 2 Technical standards, equipment specifications, remote gambling equipment and gambling software

### 2.1 Key equipment

#### Licence condition 2.1.1

##### Location of key equipment

**All remote casino, bingo and betting licences other than ancillary licences and remote betting intermediary (trading room only) licences**

- 1 Licensees must not add to any of the remote gambling equipment listed in Schedule R to their licence or relocate any of that equipment from the jurisdiction stated in the Schedule without first obtaining a variation of that detail of the licence on application pursuant to section 104(1)(b) of the Act.
- 2 For the purposes of this condition, in the case of geographical areas which are subject to the laws of both a state or provincial government and a federal government 'jurisdiction' means the area of the state or province; but England, Wales and Scotland are to be treated as a single jurisdiction

#### Licence condition 2.1.2

##### Access to (and provision of data from) key equipment

**All remote casino, bingo and betting licences other than ancillary licences and remote betting intermediary (trading room only) licences**

- 1 Licensees must, on request, permit an enforcement officer to inspect any of their remote gambling equipment and/or provide to the Commission copies of data held on such equipment in such format and manner as the Commission may request.

### 2.2 Gambling software

#### Licence condition 2.2.1

##### Gambling software

**All remote casino, bingo and betting licences other than ancillary licences and remote betting intermediary (trading room only) licences**

- 1 All gambling software<sup>1</sup> used by the licensee must have been manufactured by the holder of a gambling software operating licence. All such gambling software must also be supplied to the licensee by a holder of a gambling software operating licence. Such software must only be installed or adapted by the holder of such a licence.

<sup>1</sup> As defined in section 41(2)&(3) of the Act

## 2.3 Technical standards and equipment specifications

### Licence condition 2.3.1

#### Technical standards

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

- 1 Licensees must comply with the Commission's technical standards and with requirements set by the Commission relating to the timing and procedures for testing.

### Licence condition 2.3.2

#### Bingo equipment specifications

**Non-remote bingo operating licences and bingo ancillary remote licences**

- 1 Licensees must comply with the Commission's specifications for bingo equipment.

### Licence condition 2.3.3

#### Casino equipment specifications

**Non-remote casino operating licences and casino ancillary remote licences**

- 1 Licensees must comply with the Commission's specifications for casino equipment.

## 3 Peer to peer gaming, other networks and hosting

### 3.1 Peer to peer gaming, other networks and hosting

#### Licence condition 3.1.1

##### Peer to peer gaming

##### Remote casino licences (except ancillary remote and casino (game host) licences)

All licensees who provide facilities for peer to peer gaming in circumstances in which they do not contract directly with all of the players using those facilities ('network operators') must have, put into effect and monitor the effectiveness of, policies and procedures designed to ensure that:

- 1 every player using the facilities in Great Britain ('a domestic player') is doing so pursuant to a contract entered into between that player and the network operator, or that player and another holder of a Gambling Commission remote casino operating licence;
- 2 every player who is not a domestic player but who participates in a game of chance in which a domestic player also participates is doing so pursuant to a contract between that player and the network operator, or that player and another holder of a Gambling Commission remote casino operating licence, or a gambling operator not licensed by the Gambling Commission through which participants use the facilities outside Great Britain and which:
  - a holds all licences or permissions (if any) required in relation to its provision of facilities for peer to peer gaming by the laws of the state or states in which it is domiciled or incorporated;
  - b has been approved by the network operator, after conducting due diligence enquiries into those individuals who appear to the network operator to have a material financial interest in it, as suitable to provide those facilities; and, in particular,
  - c has in place policies and procedures in respect of the identification of customers which in the network operator's reasonable opinion satisfy requirements as to customer due diligence broadly equivalent to those set out in Directive 2005/60/EC ('the Third Money Laundering Directive') or any subsequent replacement for or re-enactment thereof;
- 3 the arrangements between the network operator and any remote casino licence holder through which domestic players access their facilities, and with gambling operators not licensed by the Gambling Commission through which players use their facilities outside Great Britain, provide in clear terms which operator is to be responsible for the handling of which categories of customer complaint and dispute; in particular such arrangements must provide how a dispute involving players from more than one jurisdiction is to be handled;
- 4 the network operator's arrangements for the sharing of information both with any remote casino licence holder through which domestic players access their facilities and with gambling operators not licensed by the Gambling Commission through which participants use the facilities outside Great Britain are such as to enable all parties to discharge effectively their respective regulatory obligations, in particular in relation to:
  - a prevention of money laundering; combating the financing of terrorism; and where applicable, the Proceeds of Crime Act.
  - b investigation of suspected cheating,
  - c combating of problem gambling, and
  - d investigation of customer complaints.

## Licence condition 3.1.2

### Other networks

#### All remote casino, bingo, and betting licences (except ancillary remote and host licences)

- 1** Subject to **2** below, all licensees who provide facilities for gambling, other than peer to peer gaming, in circumstances in which they do not contract directly with all of the participants using those facilities ('network operators') must have, put into effect and monitor the effectiveness of policies and procedures designed to ensure that:
  - a** every participant using the facilities in Great Britain ('a domestic customer') is doing so pursuant to a contract entered into between that player and the network operator, or that player and another holder of a Gambling Commission remote operating licence of the same kind as that held by the network operator ('a relevant licence');
  - b** the arrangements between the network operator and any holder of a relevant licence through which domestic customers access their facilities, and with gambling operators not licensed by the Gambling Commission through which customers use their facilities outside Great Britain, provide in clear terms which operator is to be responsible for the handling of which categories of customer complaint and dispute; in particular such arrangements must provide how a dispute involving customers from more than one jurisdiction is to be handled;
  - c** the network operator's arrangements for the sharing of information both with any holder of a relevant licence and with gambling operators not licensed by the Gambling Commission through which participants use the facilities outside Great Britain are such as to enable all parties to discharge effectively their respective regulatory obligations, in particular in relation to:
    - i** prevention of money laundering; combating the financing of terrorism; and where applicable, the Proceeds of Crime Act,
    - ii** investigation of suspected cheating,
    - iii** combating of problem gambling, and
    - iv** investigation of customer complaints.
- 2** Paragraph **1** above does not apply to the provision to the holder of a non-remote bingo operating licence (H) of facilities for the playing of games of bingo organised by H in premises in respect of which a bingo premises licence has effect (eg the National Bingo Game).

### Licence condition 3.1.3

#### Hosting

#### All casino (game host), bingo (game host), general betting (host) (real events) and general betting (host) (virtual events) licences

- 1** Subject to **2** below, all licensees who provide facilities for gambling in circumstances in which they do not contract directly with any of the participants using those facilities ('hosts') must ensure that:
  - a** every participant using the facilities in Great Britain ('a domestic customer') is doing so pursuant to a contract entered into between that player and the holder of a Gambling Commission remote casino, bingo, general betting (real events) or general betting (virtual events) operating licence ('a relevant licence');
  - b** the arrangements between the host and any holder of a relevant licence through which domestic customers access their facilities, and with gambling operators not licensed by the Gambling Commission through which customers use their facilities outside Great Britain, provide in clear terms which operator is to be responsible for the handling of which categories of customer complaint and dispute; in particular such arrangements must provide how a dispute involving customers from more than one jurisdiction is to be handled;
  - c** the host's arrangements for the sharing of information both with any holder of a relevant licence and with gambling operators not licensed by the Gambling Commission through which participants use the facilities outside Great Britain are such as to enable all parties to discharge effectively their respective regulatory obligations, in particular in relation to:
    - i** prevention of money laundering; combating the financing of terrorism; and where applicable, the Proceeds of Crime Act,
    - ii** investigation of suspected cheating,
    - iii** combating of problem gambling, and
    - iv** investigation of customer complaints.
- 2** Paragraph **1** above does not apply to the provision to the holder of a non-remote bingo operating licence (H) of facilities for the playing of games of bingo organised by H in premises in respect of which a bingo premises licence has effect (eg the National Bingo Game).

## 4 Protection of customer funds

### 4.1 Segregation of funds

#### Licence condition 4.1.1

##### Segregation of funds

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

- 1 Licensees who hold customer funds must ensure that these are held in a separate client bank account or accounts.
- 2 In this condition 'customer funds' means the aggregate value of funds held to the credit of customers including, without limitation:
  - a cleared funds deposited with the licensee by customers to provide stakes in, or to meet participation fees in respect of, future gambling,
  - b winnings or prizes which the customer has chosen to leave on deposit with the licensee or for which the licensee has yet to account to the customer, and
  - c any crystallised but as yet unpaid loyalty or other bonuses, in each case irrespective of whether the licensee is a party to the gambling contract.

### 4.2 Disclosure to customers

#### Licence condition 4.2.1

##### Disclosure to customers

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

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

## 5 Payment

### 5.1 Cash and cash equivalents, payment methods and services

#### Licence condition 5.1.1

##### Cash and cash equivalents

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

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

#### Licence condition 5.1.2

##### Payment methods services

##### All remote casino, bingo and betting operating licences, except ancillary, host and remote betting intermediary (trading room only) licences

- 1 Licensees must only accept payment from customers using their gambling facilities in Great Britain by a method which involves the provision of payment services as defined in Schedule 1 Part 1 of the Payment Services Regulations 2009 (SI 2009 No 209) if the provider of those services is a 'payment service provider' within the definition of that term in regulation 2 of those Regulations.

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

### 6.1 Provision of credit

#### Licence condition 6.1.1

##### Provision of credit

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

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



## 7 General 'fair and open' provisions

### 7.1 Compliance with terms

#### **Licence condition 7.1.1**

#### **Compliance with terms (consumer rights)**

#### **All operating licences except gaming machine technical and gambling software licences**

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

## 8 Display of licensed status

### 8.1 Display of licensed status

#### Licence condition 8.1.1

##### Display of licensed status – remote operators

**All remote casino, bingo and betting licences other than ancillary, host, remote betting intermediary (trading room only), remote general betting (limited) and remote general betting (standard) (remote platform) licences**

- 1 Licensees providing facilities for remote gambling must display on every screen from which customers are able to access gambling facilities provided in reliance on this licence:
  - a a statement that they are licensed and regulated by the Gambling Commission; and
  - b a link (which will be supplied by the Commission) to their current licensed status as recorded on the Commission's website.
- 2 Such statement and link must be in the format, provided by the means, and contain the information from time to time specified by the Commission in its technical standards applicable to the kind of facilities for gambling provided in accordance with this licence or otherwise notified to licensees for the purposes of this condition.
- 3 Licensees may also display on screens accessible from Great Britain information about licences or other permissions they hold from regulators in, or by virtue of the laws of, jurisdictions outside Great Britain provided it is made plain on those screens that the licensee provides facilities for gambling to persons in Great Britain in reliance on their Gambling Commission licence(s).

#### Licence condition 8.1.2

##### Display of licensed status – B2B operators

**All gaming machine technical, gambling software and host licences**

- 1 Licensees offering the supply of gaming machines or gambling software on websites must:
  - a display the following information on the first page of the website which offers gaming machines or gambling software in reliance on the licence:
    - i a statement that they are licensed and regulated by the Gambling Commission;
    - ii their licence number; and
    - iii a link to the Commission's website.
  - b display at least the information at a above on each page of the website which offers gaming machines or gambling software in reliance on the licence; and
  - c where they offer on pages of, or by means of a link from, their website, the supply of gaming machines or gambling software which are not provided in reliance on their licence, clearly distinguish those products which are regulated by the Commission from those which are not.

## 9 Types and rules of casino and other games

### 9.1 Casino and bingo games

#### **Licence condition 9.1.1**

##### **Rules of casino games**

##### **All non-remote casino operating licences**

- 1 Licensees must not offer or permit to be played casino games that appear on any list of games prohibited by the Commission.

#### **Licence condition 9.1.2**

##### **Prohibited bingo prize games**

##### **All non-remote bingo operating licences**

- 1 Licensees must not offer or permit to be played prize gaming games that appear on any list of games prohibited by the Commission.

## 10 Tipping of casino employees

### 10.1 Tipping of casino employees

#### **Licence condition 10.1.1**

##### **Tipping – personal licence holders**

##### **All non-remote casino operating licences**

- 1 Licensees must only permit tipping of staff holding personal licences where a tronc system is operated; that is to say, where all tips are pooled and distributed amongst the employees concerned. A separate tronc may be operated for each of a number of categories of licensed staff.

## 11 Lotteries

### 11.1 Lotteries – societies and local authorities

#### Licence condition 11.1.1

#### Lotteries – societies and local authorities

#### All lottery operating licences issued to non-commercial societies or local authorities

- 1 Licensees must ensure that at least 20% of the proceeds of any lottery promoted in reliance on the licence are applied to a purpose for which the promoting non-commercial society is conducted or the promoting local authority has power to incur expenditure.
- 2 The proceeds of any lottery promoted in reliance on this licence must not exceed £4,000,000 and the aggregate of the proceeds of lotteries promoted wholly or partly in a calendar year in reliance on the licence must not exceed £10,000,000.
- 3 The rules of any lottery promoted in reliance on this licence must be such as to ensure:
  - a that it is not possible for the purchaser of a ticket in the lottery to win by virtue of that ticket (whether in money, money's worth, or partly the one and partly the other and including any winnings arising from a rollover) more than:
    - i £25,000
    - ii if more, 10% of the proceeds of the lottery.
  - b that membership of the class among whom prizes are allocated does not depend on making any payment (apart from payment of the price of a ticket).
- 4 A lottery promoted in reliance on this licence must not be linked to any other lottery, free draw or prize competition.
- 5 For the purposes of this condition:
  - a two or more lotteries are linked if any of them is so structured that a person who wins a prize in that lottery will also win a prize in some or all of the others, unless the maximum amount which a person can win is no more than £400,000 in aggregate. In determining whether two or more lotteries are linked it is immaterial how many of them are promoted in reliance on this licence
  - b a lottery is linked to a free draw or prize competition if:
    - i a person's participation in, or his being allocated a prize in, the lottery is a means of establishing his eligibility to enter the draw or competition and
    - ii the arrangements for the lottery and/or the draw or competition are such that a person may win more than £400,000 in aggregate as a result of his participation in the lottery and the draw or competition.
- 6 If a lottery, whilst not a linked lottery, has the feature that by selecting the same numbers, or combination of numbers in the lottery and in one or more other lottery or lotteries the participant in those lotteries may win prizes which, in aggregate, exceed £400,000, no advertisement for, nor other marketing of, the lottery may make any reference to that feature.
- 7 Licensees must ensure that each person who purchases a ticket in a lottery promoted on behalf of a non-commercial society in reliance on this licence receives a document which:
  - a identifies the promoting society;
  - b states the name and address of a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery; and
  - c either states the date of the draw (or each draw) in the lottery, or enables the date of the draw (or each draw) in the lottery to be determined.
- 8 Licensees must display 'licensed by the Gambling Commission' and details of the Gambling Commission website on lottery tickets.
- 9 The price payable for purchasing each ticket in a lottery promoted in reliance on this licence:

- a** must be the same;
  - b** must be shown on the ticket or in a document received by the purchaser; and
  - c** must be paid to the promoter of the lottery before any person is given a ticket or any right in respect of membership of the class among whom prizes are to be allocated.
- 10** For the purposes of these conditions, reference to a person receiving a document includes a reference to a message being sent or displayed to him electronically in a manner which enables him, without incurring significant expense or delay, to:
  - a** retain the message electronically; or
  - b** print it.
- 11** Licensees must lodge with the Commission a description of, and a copy of the rules of, any lottery intended to be promoted in reliance on this licence, and any amendment to the rules of a lottery previously notified to the Commission, at least 28 days before any tickets in such lottery, or amended lottery, are put on sale.
- 12** Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. But, by way of exception, tickets may be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.
- 13** Accurate accounting records must be kept in relation to all lotteries promoted in reliance on this licence showing:
  - a** the total proceeds of each lottery;
  - b** the amount allocated to prizes in each lottery;
  - c** the amount of proceeds allocated to expenses, and details of those expenses, for each lottery;
  - d** the amount applied directly to the purposes of the society or purposes for which the local authority has power to incur expenditure as the case may be; and
  - e** the number of sold and unsold tickets in each lottery.
- 14** Such records must be made available to the Commission for inspection on request and retained for at least three years from the date of any lottery to which they relate.
- 15** In addition, in respect of each lottery promoted in reliance on this licence, a lottery submission must be sent to the Commission within three months of the date of determination of the lottery or, in the case of an 'instant lottery', within three months of the last date on which tickets in the lottery were on sale providing the information set out in paragraph **13** above. Every such submission must contain or be accompanied by a declaration that the information given in it is correct and must be shown to have been approved before submission by:
  - a** the holder of a personal management licence
  - b** a 'qualified person' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006 or
  - c** except where the licensee is a local authority, the designated person named on the lottery tickets as having responsibility for the promotion of the lottery.
- 16** Where a society or local authority instructs an External Lottery Manager to make the submission on their behalf, they must ensure that the details on the submission are verified and approved by one of the people named above from the relevant society or local authority.
- 17** For any calendar year in which the cumulative proceeds of lotteries promoted in reliance on this licence exceed £1,000,000 the licensee must provide the Commission with written confirmation from a qualifying auditor confirming that the proceeds of those lotteries have been fully accounted for in their annual audited accounts. Such confirmation must be provided within ten months of the date to which the accounts are made up.
- 18** A qualifying auditor means a person who is eligible for appointment as a statutory auditor under section 1212 Companies Act 2006 or any statutory modification or re-enactment thereof but, in the case of a lottery promoted by or on behalf of a non-commercial society, is not:

- a** a member of the society
- b** a partner, officer or employee of such a member or
- c** a partnership of which a person falling within **a** or **b** is a partner.

## 11.2 Lotteries – managers

### Licence condition 11.2.1

#### Lotteries - managers

#### All lottery operating licences issued to external lottery managers

- 1** Licensees must ensure that at least 20% of the proceeds of any lottery promoted in reliance on the licence are paid to the promoting non-commercial society or local authority to apply to a purpose for which the promoting society is conducted or the local authority has power to incur expenditure.
- 2** The proceeds of any lottery promoted in reliance on this licence must not exceed £4,000,000 and the aggregate of the proceeds of lotteries promoted wholly or partly in a calendar year on behalf of the same non-commercial society or local authority in reliance on the licence must not exceed £10,000,000.
- 3** The rules of any lottery promoted in reliance on this licence must be such as to ensure:
  - a** that it is not possible for the purchaser of a ticket in the lottery to win by virtue of that ticket (whether in money, money's worth, or partly the one and partly the other and including any winnings arising from a rollover) more than:
    - i** £25,000
    - ii** if more, 10% of the proceeds of the lottery
  - b** that membership of the class among whom prizes are allocated does not depend on making any payment (apart from payment of the price of a ticket).
- 4** A lottery promoted in reliance on this licence must not be linked to any other lottery, free draw or prize competition.
- 5** For the purposes of this condition:
  - a** two or more lotteries are linked if any of them is so structured that a person who wins a prize in that lottery will also win a prize in some or all of the others, unless the maximum amount which a person can win is no more than £400,000 in aggregate. In determining whether two or more lotteries are linked it is immaterial how many of them are promoted in reliance on this licence
  - b** a lottery is linked to a free draw or prize competition if:
    - i** a person's participation in, or his being allocated a prize in, the lottery is a means of establishing his eligibility to enter the draw or competition and
    - ii** the arrangements for the lottery and/or the draw or competition are such that a person may win more than £400,000 in aggregate as a result of his participation in the lottery and the draw or competition.
- 6** If a lottery, whilst not a linked lottery, has the feature that by selecting the same numbers, or combination of numbers in the lottery and in one or more other lottery or lotteries the participant in those lotteries may win prizes which, in aggregate, exceed £400,000, no advertisement for, nor other marketing of, the lottery may make any reference to that feature.
- 7** Licensees must ensure that each person who purchases a ticket in a lottery promoted in reliance on this licence on behalf of a non-commercial society, receives a document which:
  - a** identifies the promoting society

- b** states the name and address of a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery
  - c** either states the date of the draw (or each draw) in the lottery, or enables the date of the draw (or each draw) in the lottery to be determined.
- 8** Licensees must display 'licensed by the Gambling Commission' and details of the Gambling Commission website on lottery tickets.
- 9** The price payable for purchasing each ticket in a lottery promoted in reliance on this licence:
  - a** must be the same
  - b** must be shown on the ticket or in a document received by the purchaser
  - c** must be paid to the promoter of the lottery before any person is given a ticket or any right in respect of membership of the class among whom prizes are to be allocated.
- 10** For the purposes of these conditions, reference to a person receiving a document includes a reference to a message being sent or displayed to him electronically in a manner which enables him, without incurring significant expense or delay, to:
  - a** retain the message electronically or
  - b** print it.
- 11** Licensees must lodge with the Commission a description of, and a copy of the rules of, any lottery intended to be promoted in reliance on this licence, and any amendment to the rules of a lottery previously notified to the Commission, at least 28 days before any tickets in such lottery, or amended lottery, are put on sale.
- 12** Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. But, by way of exception, tickets may be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.
- 13** Licensees must have arrangements in place to ensure separation between lottery proceeds they hold on behalf of non-commercial societies or local authorities and their own trading income and that such lottery proceeds are legally protected by means of separate bank accounts having trustee status or equivalent legal protection for each society or local authority in the event of the licensee's insolvency, in which event the proceeds will be paid to the society or local authority.
- 14** Licensees must ensure that following the determination of a lottery all lottery proceeds are properly allocated between prizes, expenses and profits and have procedures in place designed to ensure that lottery profits belonging to non-commercial societies or local authorities whose lotteries they manage in reliance on this licence are accounted for in a timely manner to the society or local authority.

## 12 Anti-money laundering

### 12.1 Prevention of money laundering and terrorist financing

#### **Licence condition 12.1.1**

##### **Anti-money laundering**

##### **Prevention of money laundering and terrorist financing**

##### **All operating licences except gaming machine technical and gambling software licences**

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

#### **Licence condition 12.1.2**

##### **Anti-money laundering**

##### **Measures for operators based in foreign jurisdictions**

##### **All remote casino operating licences where any of the licensee's remote gambling equipment is located outside Great Britain**

- 1** Licensees must comply with Parts 2 and 3 of the Money Laundering Regulations 2007 (UK Statutory Instrument No. 2157 of 2007) as amended by the Money Laundering (Amendment) Regulations 2007 (UK Statutory Instrument No. 3299 of 2007), or the equivalent requirements of any UK Statutory Instrument by which those regulations are amended or superseded insofar as they relate to casinos (the MLR) whether or not the MLR otherwise apply to their business.



## 13 Pool betting

### 13.1 Pool betting

#### Licence condition 13.1.1

##### Pool betting

##### All pool betting operating licences, except those restricted to football pools

- 1 Licensees must inform the Commission, within 14 days, in writing, of any person they authorise under section 93(2) of the Act to offer pool betting on a track in connection with a horserace or dog race in reliance on an occasional use notice. In doing so, they must include the terms and conditions under which this has been agreed, and provide contact details of the management and key staff of those that are authorised.
- 2 Licensees and any person they so authorise must produce and retain a record of the transactions relevant to each pool that they offer. The record must be capable of identifying individual bets into the pool and relating these to subsequent payment of winnings where applicable. Licensees must make this information available to the Commission on request.

#### Licence condition 13.1.2

##### Pool betting – football pools

##### All pool betting operating licences which authorise football pools

- 1 Licensees must inform the Commission, within 14 days, in writing, of any person they authorise under Section 93(3) of the Act in respect of football pool betting. In doing so, they must include the terms and conditions under which this has been agreed.
- 2 Licensees and any person they so authorise must produce and retain a record of the transactions relevant to each pool that they offer. The record must be capable of identifying individual bets into the pool and relating these to the subsequent payment of winnings where applicable. Licensees must make this information available to the Commission on request.

#### Licence condition 13.1.3

##### Pool betting – annual accounts

##### All pool betting operating licences

- 1 Licensees must produce annual accounts which should be certified by a qualified independent accountant. Licensees must make copies available to the Commission on request.

## 14 Access to premises

### 14.1 Access to premises

#### Licence condition 14.1.1

##### Access to premises

##### All operating licences

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

## 15 Information requirements

### 15.1 Reporting suspicion of offences etc

#### Licence condition 15.1.1

##### Reporting suspicion of offences etc - non-betting licences

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

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

#### Licence condition 15.1.2

##### Reporting suspicion of offences etc - betting licences

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

- 1 Licensees must as soon as reasonably practicable provide the Commission or ensure the Commission is provided with any information from whatever source that they:
  - a know relates to or suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a licence condition or a code provision having the effect of a licence condition
  - b suspect may lead the Commission to consider making an order to void a bet.
- 2 Licensees who accept bets, or facilitate the making or acceptance of bets between others, on the outcome of horse races or other sporting events governed by one of the sport governing bodies for the time being included in Part 3 of Schedule 6 to the Act must also provide the relevant sport governing body with sufficient information to conduct an effective investigation if the licensee suspects that they have any information from whatever source that may:
  - a lead the Commission to consider making an order to void a bet
  - b relate to a breach of a rule on betting applied by that sport governing body.
- 3 In **2b** above, 'rule on betting' includes any rule about bets the making or acceptance of which would be a regulated activity within the meaning of section 22 of the Financial Services and Markets Act 2000 ('spread betting').

## 15.2 Reporting key events and other reportable events

### Licence condition 15.2.1

#### Reporting key events

##### All operating licences

A key event is an event that could have a significant impact on the nature or structure of a licensee's business. Licensees must notify the Commission, or ensure the Commission is notified, in such form or manner as the Commission may from time to time specify, of the occurrence of any of the following key events as soon as reasonably practicable and in any event within five working days of the licensee becoming aware of the event's occurrence<sup>1</sup>.

#### Operator status

- 1 In the case of licensees which are companies, a petition being presented for their winding up or the winding up of any group company of theirs, or they or any group company being placed in administration or receivership or their directors proposing to creditors a composition in satisfaction of its debts or a scheme of arrangement of its affairs.
- 2 In the case of licensees which are bodies corporate, but not companies, any event substantially equivalent to those listed at 1 above.
- 3 In the case of a licensee who is an individual (or a partner in a partnership licensee) their being presented with a petition for their bankruptcy or sequestration or their entering into an individual voluntary arrangement.

#### Relevant persons and positions

- 4 In the case of licensees who are companies or other bodies corporate having a share capital, the name and address of any person who (whether or not already a shareholder or member) becomes a shareholder or member holding 3% or more of the issued share capital of the licensee or its holding company.
- 5 Any investment in a licensee which is not by way of subscription for shares.
- 6 The taking of any loan by the licensee, or by a group company who then makes an equivalent loan to the licensee, from any person not authorised by the Financial Conduct Authority: a copy of the loan agreement must be supplied.
- 7 The entering into an arrangement whereby a third party provides services to, or grants any licence concession or permission to, the licensee other than for full value: full details of the arrangements must be supplied.
- 8 The appointment of a person to, or a person ceasing to occupy, a 'key position': a 'key position' in relation to a licensee is:
  - a in the case of a small-scale operator, a 'qualifying position' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006
  - b in the case of an operator which is not a small-scale operator, a 'specified management office' as set out in (current) LCCP licence condition 1.2
  - c a position the holder of which is responsible for the licensee's anti-money laundering procedures, including suspicious activity reporting
  - d any other position for the time being designated by the Commission as a 'key position'. (Notification is required whether or not the person concerned is required to hold a personal management licence and whether or not the event notified requires the licensee to apply for a variation to amend a detail of their licence.)
- 9 Any change to the structure or organisation of the licensee's business which affects a 'key position' or the responsibilities of its holder.

## Financial events

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

## Legal or regulatory proceedings or reports

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

holds a key position: a copy of the report should be provided where available to the licensee.

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

#### **Gambling facilities**

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

In this condition:

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

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

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

**Licence condition 15.2.2**  
**Other reportable events**  
**All operating licences**

- 1** Licensees must also notify the Commission in such form or manner as the Commission may from time to time specify, or ensure that the Commission is so notified, as soon as reasonably practicable of the occurrence of any of the following events<sup>1</sup>:
  - a** the conclusion of a dispute referred to an ADR entity and in such case providing the Commission with a copy of the decision or note of the outcome<sup>2</sup>.
  - b** any outcome adverse to the licensee of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.
  - c** their becoming aware that a group company which is not a Commission licensee is advertising remote gambling facilities to those residing in a jurisdiction in or to which it has not previously advertised or their becoming aware of a sustained or meaningful generation of the 3% / 10% threshold being exceeded by the group.

In this condition:

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

<sup>1</sup> Events required to be notified to the Commission by 15.2.1 or 15.2.2 may be reported securely online at the Commission's website through our eServices system [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or by email to: [key.events@gamblingcommission.gov.uk](mailto:key.events@gamblingcommission.gov.uk)

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

## 15.3 General and regulatory returns

### Licence condition 15.3.1

#### General and regulatory returns

##### All operating licences

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

<sup>1</sup>Regulatory returns can be submitted securely online at the Commission's website through our eServices system available at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## 16 Responsible placement of digital adverts

### Licence condition 16.1.1

#### Responsible placement of digital adverts

##### All licences

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

## Part II: Code of practice

### Introduction

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

There are two types of code provisions in this document:

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



## Code provisions

### 1 General

#### 1.1 Cooperation and responsibility for third parties

##### **Ordinary Code Provision 1.1.1** **Cooperation with the Commission** **All licences**

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

##### **Social responsibility code provision 1.1.2** **Responsibility for third parties – all licences** **All licences**

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

##### **Social responsibility code provision 1.1.3** **Responsibility for third parties - remote** **Remote licences**

- 1 Remote licensees must ensure in particular:
  - a that third parties who provide user interfaces enabling customers to access their remote gambling facilities:
    - i include a term that any such user interface complies with the Commission's technical standards for remote gambling systems; and
    - ii enable them, subject to compliance with any dispute resolution provisions of such contract, to terminate the third party's contract promptly if, in the licensee's reasonable opinion, the third party is in breach of that term.
  - b that the terms on which they contract with their affiliates (that is those who are given a right to advertise, or provide a hyperlink to, a licensee's gambling website) enable them to terminate, subject to compliance with any dispute resolution provisions of such contract, the affiliate's rights promptly if, in the licensee's reasonable opinion, the affiliate is in breach of a relevant advertising code of practice.

## 2 Financial requirements

### 2.1 Anti-money laundering

#### **Ordinary code provision 2.1.1**

#### **Anti-money laundering - casino**

#### **All remote and non-remote casino licences**

- 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*.

#### **Ordinary code provision 2.1.2**

#### **Anti-money laundering – other than casino**

#### **All licences except casino licences**

- 1 As part of their procedures for compliance with the requirements in respect of the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the Terrorism Act 2000, licensees should take into account the Commission's advice on the Proceeds of Crime Act 2002, *Duties and responsibilities under the Proceeds of Crime Act 2002 - Advice for operators (excluding casino operators)*.

## 3 Protection of children and other vulnerable persons

### 3.1 Combating problem gambling

#### **Social responsibility code provision 3.1.1**

#### **Combating problem gambling**

#### **All licences**

- 1 Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling including the specific policies and procedures required by the provisions of section 3 of this code.
- 2 Licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

## 3.2 Access to gambling by children and young persons

### Social responsibility code provision 3.2.1

#### Access to gambling by children and young persons – casinos SR code

##### All non-remote casino licences

- 1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2 Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises.
- 3 Licensees must designate one or more supervisors for each casino entrance.
- 4 A supervisor's responsibilities include ensuring compliance with this section of the code.
- 5 A supervisor must implement the following procedures:
  - a checking the age of customers who appear to be, or are suspected of being, underage
  - b refusing entry to anyone unable to produce an acceptable form of identification, ie one which:
    - i contains a photograph from which the individual can be identified
    - ii states the individual's date of birth
    - iii is valid
    - iv is legible and shows no signs of tampering or reproduction
  - c taking action when there are unlawful attempts to enter the premises, including removing anyone who appears to be underage and cannot produce an acceptable form of identification.
- 6 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.
- 7 In premises restricted to adults, service must be refused in any circumstances where any adult is accompanied by a child or young person.
- 8 Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover all relevant prohibitions against inviting children or young persons to gamble or to enter gambling premises, and the legal requirements on returning stakes and not paying prizes to underage customers.
- 9 Licensees must conduct test purchasing or take part in collective test purchasing programmes as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission.

### **Ordinary code provision 3.2.2**

#### **Access to gambling by children and young persons – casinos ordinary code**

##### **All non-remote casino licences**

- 1** 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.
- 2** 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** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including provisional licence) with photocard; or a passport.
- 4** 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.
- 5** 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.
- 6** 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.
- 7** In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.

### **Social responsibility code provision 3.2.3**

#### **Access to gambling by children and young persons – AGC SR code**

##### **All adult gaming centre licences**

- 1** Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2** This must include procedures for:
  - a** checking the age of apparently underage customers
  - b** removing anyone who appears to be under age and cannot produce an acceptable form of identification
  - c** taking action when there are attempts by under-18s to enter the premises.
- 3** Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises.
- 4** Licensees must not deliberately provide facilities for gambling in such a way as to appeal particularly to children or young people, for example by reflecting or being associated with youth culture.
- 5** In premises restricted to adults, service must be refused in any circumstances where any adult is accompanied by a child or young person.
- 6** Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover all relevant prohibitions against inviting children or young persons to gamble or to enter gambling premises, and the legal requirements on returning stakes and not paying prizes to underage customers.
- 7** Licensees must only accept identification which:
  - a** contains a photograph from which the individual can be identified
  - b** states the individual's date of birth
  - c** is valid
  - d** is legible and has no visible signs of tampering or reproduction.
- 8** Licensees in fee category C or higher must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission.

### **Ordinary code provision 3.2.4**

#### **Access to gambling by children and young persons – AGC ordinary code**

##### **All adult gaming centre licences**

- 1** The Commission considers acceptable forms of identification to include any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including a provisional licence) with photocard; or a passport.
- 2** Licensees should put into effect procedures that require their staff to check the age of any customer who appears to them to be under 21.
- 3** Licensees should consider permanent exclusion from premises for any adult accompanied by a child or young person on more than one occasion to premises restricted to adults, or if there is reason to believe the offence was committed knowingly or recklessly.

- 4 Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on premises restricted to adults, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling.
- 5 Licensees in fee categories A or B should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling (for example by taking part in a collective test purchasing programme) and should be able to explain to the Commission or licensing authority what approach they have adopted.
- 6 In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.

### **Social responsibility code provision 3.2.5**

#### **Access to gambling by children and young persons – bingo and FEC SR code**

##### **All non-remote bingo and family entertainment centre licences**

- 1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2 This must include procedures for:
  - a checking the age of apparently underage customers
  - b refusing entry to any adult-only areas to anyone unable to produce an acceptable form of identification
  - c taking action when there are unlawful attempts to enter the adult-only areas.
- 3 Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises.
- 4 Licensees must not permit children or young people to gamble in the adults-only areas of premises to which they have access. If there is a 'no under-18s' premises policy, licensees must pay particular attention to the procedures they use at the entrance to the premises to check customers' ages.
- 5 Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover:
  - a all relevant prohibitions against inviting children or young persons to gamble on age-restricted products or to enter age-restricted areas;
  - b the legal requirements on returning stakes and not paying prizes to underage customers; and
  - c procedures for challenging any adult who may be complicit in allowing a child or young person to gamble.
- 6 Licensees must only accept identification which:
  - a contains a photograph from which the individual can be identified
  - b states the individual's date of birth
  - c is valid
  - d is legible and has no visible signs of tampering or reproduction.
- 7 Licensees in fee category C or higher must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission.

### **Ordinary code provision 3.2.6**

#### **Access to gambling by children and young persons – bingo and FEC ordinary code All non-remote bingo and family entertainment centre licences**

- 1** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including a provisional licence) with photocard; or a passport.
- 2** Licensees should require a person who appears to relevant staff to be under the age of 21 to be asked to produce proof of age, either at the point of entry to the gambling area or as soon as it comes to the attention of staff that they wish to access gambling facilities.
- 3** Licensees should have procedures for dealing with cases where an adult knowingly or recklessly allows a child or young person to gamble. These procedures might include refusing to allow the adult to continue to gamble, removing them from the premises, and reporting the incident to the police or local authorities, or taking action where forged identification is produced.
- 4** Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on their premises, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling to the child or young person concerned.
- 5** Where it is likely that customers' young or otherwise vulnerable children will be left unattended on or adjacent to their premises, licensees should consider reminding customers of their parental responsibilities and assess whether there is a need to develop procedures for minimising the risk to such children.
- 6** Licensees in fee categories A or B should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling (for example by taking part in a collective test purchasing programme) and should be able to explain to the Commission or licensing authority what approach they have adopted.
- 7** In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.



### **Social responsibility code provision 3.2.7**

#### **Access to gambling by children and young persons – betting SR code**

**Paragraphs 1, 2 and 4-7 : all non-remote betting and remote betting intermediary (trading rooms only) licences**

**Paragraph 3: all non-remote betting licences (except general betting (limited) licences) and remote betting intermediary (trading rooms only) licences**

**Paragraph 8: non-remote pool betting licences**

**Paragraph 9: non-remote general betting (standard) licences in fee category C or above**

- 1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2 This must include procedures for:
  - a checking the age of apparently underage customers
  - b removing from adult-only licensed premises anyone who appears to be underage and cannot produce an acceptable form of identification
  - c taking action when there are attempts by under-18s to enter adult-only premises
  - d refusing entry to any adult-only area of a track to anyone unable to produce an acceptable form of identification
  - e taking action when there are unlawful attempts to enter the adult-only areas.
- 3 Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises
- 4 Licensees must not 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.
- 5 In premises restricted to adults, service must be refused in any circumstances where any adult is accompanied by a child or young person.
- 6 Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover all relevant prohibitions against inviting children or young persons to gamble or to enter gambling premises, and the legal requirements on returning stakes and not paying prizes to underage customers.
- 7 Licensees must only accept identification which:
  - a contains a photograph from which the individual can be identified
  - b states the individual's date of birth
  - c is valid
  - d is legible and has no visible signs of tampering or reproduction.
- 8 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:
  - a checking the age of apparently underage entrants to the pool; and
  - b taking action when there are unlawful attempts to enter the pool.
- 9 Licensees must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission.

### **Ordinary code provision 3.2.8**

#### **Access to gambling by children and young persons – betting ordinary code**

##### **Paragraphs 1 to 5 inclusive: all non-remote betting and remote betting intermediary (trading rooms only) licences**

##### **Paragraph 6: all non-remote betting licences (except non-remote general betting (standard) licences in fee category C or above) and remote betting intermediary (trading rooms only) licences**

- 1 The Commission considers acceptable forms of identification to include any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including a provisional licence) with photocard; or a passport.
- 2 Licensees should put into effect procedures that require their staff to check the age of any customer who appears to them to be under 21.
- 3 Licensees should consider permanent exclusion from premises for any adult accompanied by a child or young person on more than one occasion to premises restricted to adults, or if there is reason to believe the offence was committed knowingly or recklessly.
- 4 Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on premises restricted to adults, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling.
- 5 In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.
- 6 Licensees should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling (for example by taking part in a collective test purchasing programme) and should be able to explain to the Commission or licensing authority what approach they have adopted.

### **Social responsibility code provision 3.2.9**

#### **Access to gambling by children and young persons – lottery SR code**

##### **All non-remote lottery licences**

- 1 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:
  - a checking the age of apparently underage purchasers of lottery tickets
  - b taking action when there are unlawful attempts to purchase tickets.
- 2 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.

### **Ordinary code provision 3.2.10**

#### **Access to gambling by children and young persons – lottery ordinary code**

##### **All non-remote lottery licences**

- 1 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.

### **Social responsibility code provision 3.2.11**

#### **Access to gambling by children and young persons – remote SR code**

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

- 1** Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2** 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:
      - o the account will be frozen
      - o no further gambling will be permitted until age verification has been successfully completed
      - o 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:
      - o 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.

**Ordinary code provision 3.2.12**

**Access to gambling by children and young persons – remote ordinary code**

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

- 1 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.

**Social responsibility code provision 3.2.13**

**Access to gambling by children and young persons – remote lottery SR code**

**All remote lottery licences**

- 1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
- 2 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 anyone who sell lottery tickets including canvassers and 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 GB 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 apply:
    - i in the case of both subscription lotteries and low frequency lotteries<sup>1</sup>, and provided it is clear in the terms and conditions that those under the age of 16 are not permitted to participate and that the prizes will not be paid out to those found

- to be under 16, customers must be required to verify their age before being able to make any subscription or purchase entry into the lottery. (The operator is expected to conduct a programme of random checks of users who self verify for compliance with age restrictions);
- ii** in every other case 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 16;
  - iii** carrying out secondary age verification checks in any circumstances which give the operator reason to suspect that the person may be underage;
  - iv** not permitting the customer to withdraw any winnings from their account until age verification has been satisfactorily completed; and
  - v** in any event, in a case which falls within ii above, 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:
    - o the account will be frozen
    - o no further gambling will be permitted until age verification has been successfully completed
    - o 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 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 cannot reasonably be implemented or, in the case of the fourth bullet point, a period of more than 72 hours was reasonably required:
    - o 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
    - o carrying out secondary age verification checks in any circumstances which give the operator reason to suspect that the person may be underage
    - o not permitting the customer to withdraw any winnings from their account until age verification has been satisfactorily completed
    - o 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.

<sup>1</sup> For the purposes of this code, a 'low frequency lottery' is one of a series of separate lotteries promoted on behalf of the same non-commercial society or local authority, or as part of the same multiple society lottery scheme, in respect of which there is a period of at least two days between each lottery draw.

**Ordinary code provision 3.2.14****Access to gambling by children and young persons – remote lottery ordinary code****All remote society lottery licences**

- 1 Where operators consider the lottery will be more likely to attract underage play – eg where the prize is of particular appeal to children (those under the age of 16) such as concert tickets, games consoles, large prizes - operators should ensure that age verification measures are appropriate to the risk of attempted underage play. In these circumstances it is unlikely that self-verification alone will be sufficient.

### 3.3 Gambling management tools and responsible gambling information

#### **Social responsibility code provision 3.3.1**

##### **Responsible gambling information**

##### **All licences, except gaming machine technical, gambling software, host, ancillary remote bingo, ancillary remote casino and remote betting (remote platform) licences**

- 1 Licensees must make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling.
- 2 The information must cover:
  - a any measures provided by the licensee to help individuals monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend
  - b timers or other forms of reminders or 'reality checks' where available
  - c self-exclusion options
  - d information about the availability of further help or advice.
- 3 The information must be directed to all customers whether or not licensees also make available material which is directed specifically at customers who may be 'problem gamblers'.
- 4 For gambling premises, information must be available in all areas where gambling facilities are provided and adjacent to ATMs. Information must be displayed prominently using methods appropriate to the size and layout of the premises. These methods may include the use of posters, the provision of information on gambling products, or the use of screens or other facilities in the gambling premises. Information must also be available in a form that may be taken away and may also be made available through the use of links to be accessed online or using smart technology. Licensees must take all reasonable steps to ensure that this information is also readily accessible in locations which enable the customer to obtain it discreetly.

#### **Ordinary code provision 3.3.2**

##### **Responsible gambling information – foreign languages**

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

- 1 Licensees who market their services in one or more foreign languages should make available in that, or those, foreign languages:
  - a the information on how to gamble responsibly and access to help referred to above
  - b the players' guides to any game, bet or lottery required to be made available to customers under provisions in this code
  - c the summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.

#### **Social responsibility code provision 3.3.3**

##### **Betting B2 - time and monetary thresholds**

##### **All non-remote betting licences**

- 1 Licensees must ensure that any B2 machines that they make available for use require customers to make an active choice whether to set time and monetary thresholds for customer and staff alerts. Such thresholds must comply with any relevant requirements set out in the Commission's machine technical standards.

### **Social responsibility code provision 3.3.4**

#### **Remote time-out facility**

**All remote licences except: any remote lottery licence the holder of which does not provide facilities for participation in instant win lotteries, ancillary remote betting licences, remote betting (remote platform), gaming machine technical, gambling software, host, ancillary remote bingo, ancillary remote casino and remote betting intermediary (trading room only) licences.**

- 1** Licensees must offer a 'time out' facility for customers for the following durations:
  - a** 24 hours
  - b** one week
  - c** one month or
  - d** such other period as the customer may reasonably request, up to a maximum of 6 weeks.



## 3.4 Customer interaction

### **Social responsibility code provision 3.4.1**

#### **Customer interaction – SR code**

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

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

### **Ordinary code provision 3.4.2**

#### **Customer interaction – ordinary code**

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

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

### **Social responsibility code provision 3.4.3**

#### **Customer Interaction – lotteries SR code**

##### **All lottery licences**

- 1** Licensees who are non-commercial societies or external lottery managers must:
  - a** set an upper limit on the value of lottery tickets which may be sold to a person, whether as part of a single transaction or over a given period of time, without customer interaction;
  - b** maintain records of all instances of customer interaction pursuant to (a) above and, in each case, whether purchase of tickets beyond the limits set was then permitted; and
  - c** ensure such records are made available to the Commission for inspection on request and retained for at least three years from the date of any lottery to which they relate.

## 3.5 Self-exclusion

### **Social responsibility code provision 3.5.1**

#### **Self-exclusion – non-remote and trading rooms SR code**

#### **All non-remote licences (except lottery, gaming machine technical and gambling software licences) and remote betting intermediary (trading rooms only) licences**

- 1 Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- 2 Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 3 Licensees must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group (or otherwise flag that person as an individual to whom marketing material must not be sent), within two days of receiving the completed self-exclusion notification.
- 4 This covers any marketing material relating to gambling, or other activities that take place on the premises where gambling may take place. However, it would not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.
- 5 Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.
- 6 Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:
  - a a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
  - b photo identification (except where the Licensee can reasonably satisfy themselves that in the circumstances in which they provide facilities for gambling an alternative means of identification is at least as effective) and a signature;
  - c staff training to ensure that staff are able to administer effectively the systems; and
  - d the removal of those persons found in the gambling area or attempting to gamble from the premises.
- 7 Licensees must ensure that their procedures for preventing access to gambling by self-excluded individuals take account of the structure and layout of the gambling premises.
- 8 Licensees must, when administering the self-exclusion agreement, signpost the individual to counselling and support services.

### **Ordinary code provision 3.5.2**

#### **Self-exclusion – non-remote ordinary code**

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

- 1 Self-exclusion procedures should require individuals to take positive action in order to self-exclude. This can be a signature on a self-exclusion form.
- 2 Individuals should be able to self-exclude without having to enter gambling premises.

- 3** Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.
- 4** Licensees should take all reasonable steps to extend the self-exclusion to premises of the same type owned by the operator in the customer's local area. In setting the bounds of that area licensees may take into account the customer's address (if known to them), anything else known to them about the distance the customer ordinarily travels to gamble and any specific request the customer may make.
- 5** Licensees should encourage the customer to consider extending their self-exclusion to other licensees' gambling premises in the customer's local area.
- 6** Customers should be given the opportunity to discuss self-exclusion in private, where possible.
- 7** Licensees should take steps to ensure that:
  - a** the minimum self-exclusion period offered is of a duration of not less than 6 nor more than 12 months
  - b** any self-exclusion may, on request, be extended for one or more further periods of at least 6 months each
  - c** a customer who has decided to enter a self-exclusion agreement is given the opportunity to do so immediately without any cooling-off period. However, if the customer wishes to consider the self-exclusion further (for example to discuss with problem gambling groups), the customer may return at a later date to enter into self-exclusion
  - d** at the end of the period chosen by the customer, the self-exclusion remains in place for a further 6 months, unless the customer takes positive action in order to gamble again
  - e** where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again during the 6 month period following the end of their initial self-exclusion, the customer is given one day to cool off before being allowed access to gambling facilities. The contact must be made via telephone or in person
  - f** notwithstanding the expiry of the period of self-exclusion chosen by a customer, no marketing material should be sent to them unless and until they have asked for or agreed to accept such material.
- 8** The licensee should retain the records relating to a self-exclusion agreement at least for the length of the self-exclusion agreement plus a further 6 months.
- 9** Please note that the Commission does not require the licensee to carry out any particular assessment or make any judgement as to whether the previously self-excluded individual should again be permitted access to gambling. The requirement to take positive action in person or over the phone is purely to a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and b) implement the one day cooling-off period and explain why this has been put in place.
- 10** Licensees should have, and put into effect, policies and procedures which recognise, seek to guard against and otherwise address, the fact that some individuals who have self-excluded might attempt to breach their exclusion without entering a gambling premises, for example, by getting another to gamble on their behalf.
- 11** Licensees should have effective systems in place to inform all venue staff of self-excluded individuals who have recently attempted to breach a self-exclusion in that venue, and the licensees neighbouring venues.
- 12** In providing training to staff on their responsibilities for self-exclusion, licensees should have, as a minimum, policies for induction training and refresher training.

### **Social responsibility code provision 3.5.3**

#### **Self-exclusion – remote SR code**

**All remote licences except: gaming machine technical, gambling software, host, ancillary remote bingo, ancillary remote casino, betting intermediary (trading room only) and remote betting (standard) (remote platform) licences**

**Paragraph 8 does not apply to ancillary remote betting licences, remote general betting (limited), or any remote lottery licence the holder of which does not provide facilities for participation in instant win lotteries**

- 1** Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- 2** Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 3** Licensees must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group (or otherwise flag that person as an individual to whom marketing material must not be sent), within two days of receiving the completed self-exclusion notification.
- 4** This covers any marketing material relating to gambling. However, it would not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.
- 5** Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.
- 6** Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:
  - a** a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
  - b** a record of the card numbers to be excluded;
  - c** staff training to ensure that staff are able to administer effectively the systems; and
  - d** the removal of access from those persons found to have gambled or who have attempted to gamble on the facilities.
- 7** Licensees must when administering the self-exclusion signpost the individual to counselling and support services.
- 8** Customers must be given the opportunity to self-exclude by contacting customer services and in addition 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 must 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.

### Ordinary code provision 3.5.4

#### Self-exclusion – remote ordinary code

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

- 1 Self-exclusion procedures should require individuals to take positive action in order to self-exclude:
  - a over the **internet**; this can be a box that must be ticked in order to indicate that they understand the system
  - b by **telephone**; this can be a direct question asking whether they understand the system.
- 2 Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.
- 3 Licensees should encourage the customer to consider extending their self-exclusion to other remote gambling operators currently used by the customer.
- 4 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.
- 5 Licensees should take all reasonable steps to ensure that:
  - a the minimum self-exclusion period offered is of a duration of not less than 6 nor more than 12 months;
  - b any self-exclusion may, on request, be extended for one or more further periods of at least 6 months;
  - c the self-exclusion arrangements give customers the option of selecting a self-exclusion period of up to at least five years;
  - d 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;
  - e at the end of the period chosen by the customer, self-exclusion remains in place, for a minimum of 7 years, unless the customer takes positive action to gamble again;
  - f where a customer chooses not to renew, and makes a positive request to begin gambling again, during the 7 year period following the end of their initial self-exclusion, the customer is given one day to cool off before being allowed to access gambling facilities. Contact must be made via phone or in person; re-registering online is not sufficient; and
  - g notwithstanding the expiry of the period of self-exclusion chosen by a customer, no marketing material should be sent to them unless and until they have asked for or agreed to accept such material.
- 6 The licensee should retain the records relating to a self-exclusion agreement for as long as is needed to enable the self-exclusion procedures set out in paragraph 5 above to be implemented.
- 7 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.
- 8 In providing training to staff on their responsibilities for self-exclusion, licensees should have, as a minimum, policies for induction training and refresher training.

### **Social responsibility code provision 3.5.5**

#### **Self-exclusion – remote multi-operator SR code**

**All remote licences except: any remote lottery licence the holder of which does not provide facilities for participation in instant win lotteries, ancillary remote betting, remote general betting (remote platform), remote betting intermediary (trading room only), remote general betting (limited), gaming machine technical, gambling software, host, ancillary remote bingo, and ancillary remote casino licences**

***This provision will come into force one month after notification by the Commission of the establishment of a national online multi-operator self-exclusion scheme***

- 1 Licensees must participate in the national multi-operator self-exclusion scheme.

### **Social responsibility code provision 3.5.6**

#### **Self-exclusion – multi-operator non-remote SR code**

**All non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres**

- 1 Licensees must offer customers with whom they enter into a self-exclusion agreement in respect of facilities for any kind of gambling offered by them at licensed gambling premises the ability to self-exclude from facilities for the same kind of gambling offered in their locality by any other holder of an operating licence to whom this provision applies, by participating in one or more available multi-operator self-exclusion schemes.

### **Ordinary code provision 3.5.7**

#### **Self-exclusion – multi-operator non-remote ordinary code**

**All non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres**

- 1 Licensees should contribute to and participate in the development and effective implementation of multi-operator self-exclusions schemes with the aim of making available to customers the ability to self-exclude from facilities for gambling provided by other licensed operators within their local area(s).

**Social responsibility code provision 3.5.8**  
**Self-exclusion – non-remote lottery SR code**  
**All non-remote lottery licences**

- 1** Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- 2** Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 3** Licensees must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group (or otherwise flag that person as an individual to whom marketing material must not be sent), within two days of receiving the completed self-exclusion notification.
- 4** This covers any marketing material relating to gambling, or other activities that take place on the premises where gambling may take place. However, it would not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.
- 5** Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.
- 6** Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:
  - a** a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
  - b** a facility for someone self-excluding to provide a signature; and
  - c** staff training to ensure that staff are able to administer effectively the systems.
- 7** Licensees must, when administering the self-exclusion agreement, signpost the individual to counselling and support services.



## 3.6 Employment of children and young persons

### Ordinary code provision 3.6.1

#### Employment of children and young people – lottery and pool betting

##### All lottery licences and pool betting licences restricted to football pools

- 1 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.

### Ordinary code provision 3.6.2

#### Employment of children and young people – bingo

##### All non-remote bingo licences

- 1 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.
- 2 As to **1b**, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
  - a children and young persons are never asked to perform tasks within **1a or 1b**, above
  - b all staff, including those who are children and young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4 Licensees should consider adopting a policy that:
  - a children are not employed to work on bingo licensed premises at any time when the premises are open for business
  - b neither children nor young persons are in any event asked to work in areas where gaming machines are situated.

### Ordinary code provision 3.6.3

#### Employment of children and young people – casino

##### All non-remote casino licences

- 1 Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence:
  - a to employ them to provide facilities for gambling;
  - b if gaming machines are sited on the premises, for their contracts of employment to require them, or for them to be permitted, to perform a function in connection with a gaming machine at any time; and
  - c to employ them to carry out any other function on 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).

- 2 As to **1b**, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
  - a children and young persons are never asked to perform tasks within **1a** or **1b** above
  - b all staff, including those who are children or young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4 Licensees should consider adopting a policy that:
  - a children and young persons are not employed to work on 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
  - b gaming machines are turned off if children and young persons are working on the premises outside the hours when the premises are open for business.

#### **Ordinary code provision 3.6.4**

##### **Employment of children and young people – betting**

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

- 1 Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence:
  - a to employ 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.
- 2 As to **1c**, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3 Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
  - a children are never asked to perform tasks within **1a** above
  - b children and young persons are never asked to perform tasks within **1b** above
  - c all staff, including those who are children or young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4 Licensees should consider adopting a policy that:
  - a children and young persons are not employed to work on betting licensed premises at any time when the premises are open for business
  - b gaming machines are turned off if children and young persons are working on the premises outside the hours when the premises are open for business.

**Ordinary code provision 3.6.5**  
**Employment of children and young people – AGCs**  
**All adult gaming centre licences**

- 1** Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence:
  - a** to employ them to provide facilities for gambling;
  - b** if gaming machines are sited on the premises, for their contracts of employment to require them, or for them to be permitted, to perform a function in connection with a gaming machine at any time; and
  - c** to employ them to carry out any other function on adult gaming centre licensed premises while any gambling activity is being carried on in reliance on the premises licence.
- 2** As to **1b**, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3** Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
  - a** children and young persons are never asked to perform tasks within **1a or 1b**, above
  - b** all staff, including those who are children or young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4** Licensees should consider adopting a policy that:
  - a** children and young persons are not employed to work on adult gaming centre licensed premises at any time when the premises are open for business
  - b** gaming machines are turned off if children and young persons are working on the premises outside the hours when the premises are open for business.

**Ordinary code provision 3.6.6**  
**Employment of children and young people – FECs**  
**All family entertainment centre licences**

- 1** Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence:
  - a** to employ them to provide facilities for gambling; and
  - b** if gaming machines are sited on the premises, for their contracts of employment to require them, or for them to be permitted, to perform a function in connection with a gaming machine at any time.
- 2** As to **1b**, it should be noted that in the Commission's view the relevant provision of the Act applies to any function performed in connection with a gaming machine. This includes servicing or cleaning such a machine.
- 3** Accordingly, licensees should have and put into effect policies and procedures designed to ensure that:
  - a** children and young persons are never asked to perform tasks within **1a or 1b**, above; and
  - b** all staff, including those who are children or young persons themselves, are instructed about the laws relating to access to gambling by children and young persons.
- 4** Licensees should consider adopting a policy that:
  - a** children and young persons are not employed to carry out any work in an adult-only area of family entertainment licensed premises at a time when any gambling is taking place; and
  - b** gaming machines sited in adult-only areas are turned off if children and young persons are working on the premises outside the hours when the premises are open for business.

**Ordinary code provision 3.6.7**

**Employment of children and young people – remote**

**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**

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

**Ordinary code provision 3.6.8**

**Employment of children and young people – remote pool betting**

**All remote pool betting licences**

- 1** Licensees who employ children (under-16-year-olds) and young persons (those aged 16 and 17) should be aware that it is an offence:
  - a** to employ 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.

## 3.7 Provision of credit by licensees and the use of credit cards

### Social responsibility code provision 3.7.1

#### 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 all remote licences, except gaming machine technical, gambling software, host, ancillary remote casino, ancillary remote bingo and remote betting intermediary (trading rooms only) licences**

- 1** Licensees who choose to accept credit cards must:
  - a** accept payment by credit card for gambling only where that payment is made to a customer account
  - b** make available for gambling, funds deposited via credit card only after the card issuer has approved the transaction.

### Social responsibility code provision 3.7.2

#### Provision of credit

**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, host, ancillary remote casino, ancillary remote bingo and remote betting intermediary (trading rooms only) licences**

- 1** Licensees who choose to offer credit to members of the public who are not themselves gambling operators must also:
  - a** have procedures for checking and scoring applications for credit from such customers, for setting, and for the increase of, credit limits
  - b** explain these procedures to customers
  - c** set a maximum credit limit for each customer and not permit customers to exceed that limit without further application
  - d** 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
  - e** not require a minimum spend within a set time period
  - f** take all reasonable steps to ensure that offers of credit are not sent to vulnerable persons, including those who have self-excluded from gambling
  - g** ensure that information about an offer of credit includes a risk warning of what may happen in the event of default.

## 3.8 Money lending between customers

### Ordinary code provision 3.8.1

#### Money-lending - casinos

##### All non-remote casino licences

- 1 Licensees should take steps to prevent systematic or organised money lending between customers on their premises.
- 2 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:
  - a systems for monitoring for such activity;
  - b 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; and
  - c 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 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.

### Ordinary code provision 3.8.2

#### Money-lending – other than casinos

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

- 1 Licensees should seek to prevent systematic or organised money lending between customers on their premises. As a minimum, they should have arrangements in place to ensure staff are requested to report any instances of substantial money lending when they become aware of them.

### 3.9 Identification of individual customers

#### **Social responsibility code 3.9.1**

#### **Identification of individual customers - remote**

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

- 1** Licensees must have and put into effect policies and procedures designed to identify separate accounts which are held by the same individual.
- 2** Where licensees allow customers to hold more than one account with them, the licensee must have and put into effect procedures which enable them to relate each of a customer's such accounts to each of the others and ensure that:
  - a** if a customer opts to self-exclude they are effectively excluded from all gambling with the licensee unless they make it clear that their request relates only to some forms of gambling or gambling using only some of the accounts they hold with the licensee;
  - b** 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;
  - c** where credit is offered or allowed the maximum credit limit is applied on an aggregate basis across all accounts; and
  - d** individual financial limits can be implemented across all of a customer's accounts.
- 3** Licensees which are companies or other bodies corporate must take all reasonable steps to comply with the above provision as if reference to a customer holding more than one account with them included a reference to a customer holding one or more accounts with them and one or more accounts with a group company.
- 4** 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' 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

### 4.1 Fair terms

#### Social responsibility code provision 4.1.1

##### Fair terms

##### All licences, except gaming machine technical and gambling software licences

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

### 4.2 Display of rules and supervision of games

#### Social responsibility code provision 4.2.1

##### Display of rules - casino

##### All non-remote casino licences

- 1 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:
  - a the rules of each type of casino game available to be played
  - b a player's guide to the house edge
  - c a player's guide to the rules of any equal chance games which are made available.

#### Social responsibility code provision 4.2.2

##### Display of rules - bingo

##### All non-remote bingo licences

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

#### Social responsibility code provision 4.2.3

##### Display of rules – remote SR code

##### 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

- 1 Licensees must make the following available to customers:
  - a a player's guide to each gambling opportunity (bet, game or lottery) made available by the operator; and
  - b 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 the Commission's *Remote gambling and software technical standards*.



#### **Ordinary code provision 4.2.4**

##### **Display of rules - remote ordinary code**

**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**

- 1** Where practicable, the player's guide and additional information referred to in the social responsibility code **4.2.3** should be made available through the medium in which the remote gambling is to be conducted. Where that is not practicable, licensees should either:
  - a** send a copy of the guide and required additional information by post, fax or email; or
  - b** make these available to the customer in another medium to which he has access.

#### **Social responsibility code provision 4.2.5**

##### **Supervision of games**

##### **All non-remote casino licences**

- 1** 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.

#### **Social responsibility code provision 4.2.6**

##### **Display of rules – betting**

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

- 1** 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:
  - a** the circumstances under which the operator will void a bet;
  - b** treatment of errors, late bets and related contingencies;
  - c** availability of odds for any ante-post, early show or starting price betting, and treatment of place, forecast bets etc;
  - d** treatment of withdrawals, non-runners, and reformed markets;
  - e** maximum payout limiting liability for a specific betting product or generally;
  - f** 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);
  - g** means or medium by which the outcome of an event will be determined;
  - h** the rules for the event itself to be specified (eg horserace bets only to be accepted; where the racing is subject to British Horseracing Authority rules);
  - i** where bets are accepted on 'pari-mutuel' terms; and
  - j** any special arrangements for settling bets on 'coupled' horses.
- 2** 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.
- 3** 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'.

## **Social responsibility code 4.2.7**

### **Display of rules – on-course betting**

#### **All non-remote general betting licences**

- 1** When providing facilities for betting on-course, licensees must display on their 'joints' in an intelligible format:
  - a** any rules that differ from the relevant racecourse rules on betting, such as Tattersalls' 'Rules on Betting'<sup>1</sup>;
  - b** any types of unorthodox bets accepted (such as forecast betting, betting without the favourite, distance betting etc);
  - c** whether win-only or each way bets are accepted;
  - d** any concessions or bonuses offered;
  - e** all of the runners and the odds available to the public;
  - f** the operator's trading name;
  - g** the minimum bet accepted; and
  - h** any applicable maximum payout.
  
- 2** Licensees operating within the ring at horserace tracks<sup>2</sup> must issue customers with a betting slip or ticket for each transaction accepted. Betting slips or tickets must include the following information:
  - a** operator's name and contact details;
  - b** race day name or code, date and race number;
  - c** name and/or number of the selection;
  - d** the stake, odds and potential return or whether the bet will be settled according to Starting Price; and
  - e** the type of bet.
  
- 3** 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.

<sup>1</sup> The references to Tattersalls' 'Rules on Betting' reflect the current position and may need to be amended in future

<sup>2</sup> Licensees operating under the provision of an occasional use notice (eg point-to-points) must ensure ledger systems are capable of providing the information listed here.

## **Ordinary code provision 4.2.8**

### **Betting integrity**

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

- 1** 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.
  
- 2** Licensees should ensure that a condition of their accepting bets is that for a bet to be valid, customers placing such bets must not be in breach of any rules about irregular and/or suspicious betting or misuse of inside information relevant to a sports governing body, other professional body of which they are a member, or their employers. Where a breach of these rules is identified, licensees should then take steps to void the bet.

### **Social responsibility code provision 4.2.9**

#### **Display of rules – pool betting**

##### **All pool betting licences**

- 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:
  - a** the deduction levels for overheads, taxes, profits etc, expressed as a percentage, from each available pool;
  - b** the rounding of winning dividends to a whole unit;
  - c** the procedure for when there is no winner of the pool, and the circumstances in which the pool is carried over; and
  - d** the period of time in which a winning bet may be claimed from the pool operator.

### **Social responsibility code provision 4.2.10**

#### **Pool betting on dog races**

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

- 1** 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.
- 2** The equipment must supply the person placing the bet with a betting slip or ticket containing the following information:
  - a** the date on which the bet is made;
  - b** the amount of the stake;
  - c** the identity of the track, the number or time of the race and the pool in respect of which the bet is made;
  - d** the selection or selections or combination of selections as indicated; and
  - e** means of identifying the equipment recording the bet.
- 3** 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.
- 4** Licensees and any person they authorise to offer pool betting on their behalf under authority of section 93 of the Act must:
  - a** 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; and
  - b** display prominently the minimum stake that will be accepted as a bet.

## 4.3 Additional consumer information

### **Social responsibility code provision 4.3.1**

#### **Publication of percentage of lottery proceeds returned to the purposes of the society or local authority**

##### **All lottery operating licences issued to non-commercial societies and local authorities**

- 1 Each year, licensees must publish details on the percentage of the total proceeds of lotteries promoted in the previous calendar year in reliance on this licence applied to purposes for which the society is conducted, or purposes for which the local authority has power to incur expenditure. This should be through either their annual report, lottery page of their society website or any other means appropriate to the size and scale of the organisation

### **Social responsibility code provision 4.3.2**

#### **Marketing of all lotteries conducted under a single brand (branded lotteries)**

##### **All lottery operating licences issued to non-commercial societies, local authorities and external lottery managers**

- 1 Where a number of society lotteries are promoted under one brand (also known as a branded lottery<sup>1</sup>), whether with an ELM or not, licensees must ensure that it is clear to consumers (or potential consumers), which society lotteries are being promoted.
- 2 The requirement in (1) must be made clear to consumers within any marketing communications, advertisements, promotions or any information surrounding the draw, winners and beneficiaries; and through any ticket documentation.

<sup>1</sup> a scheme whereby multiple societies promote lotteries under a common brand name or image, either on rotation with other societies or as a regular occurrence for that single society.

## 5 Marketing

### 5.1 Rewards and bonuses

#### **Social responsibility code provision 5.1.1**

##### **Rewards and bonuses – SR code**

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

- 1 If a licensee makes available to any customer or potential customer any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services or any other advantage (including the discharge in whole or in part of any liability of his) ('the benefit') the scheme must be designed to operate, and be operated, in such a way that:
  - a the circumstances in which, and conditions subject to which, the benefit is available are clearly set out and readily accessible to the customers to whom it is offered;
  - b neither the receipt nor the value or amount of the benefit is:
    - i dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency; or
    - ii altered or increased if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered.
  - c if the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases; and further that:
  - d if the benefit comprises free or subsidised travel or accommodation which facilitates the customer's attendance at particular licensed premises the terms on which it is offered are not directly related to the level of the customer's prospective gambling.

#### **Ordinary code provision 5.1.2**

##### **Proportionate rewards**

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

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

#### **Social responsibility code provision 5.1.3**

##### **Alcoholic drinks**

**All non-remote bingo and casino licences**

- 1 If licensees offer customers free or discounted alcoholic drinks for consumption on the premises they must do so on terms which do not in any way link the availability of such drinks to whether, or when, the customer begins, or continues, to gamble.
- 2 Licensees must not make unsolicited offers of free alcoholic drinks for immediate consumption by customers at a time when they are participating in gambling activities.

#### **Social responsibility code provision 5.1.4**

##### **Promotion by agents**

##### **All non-remote casino licences**

- 1** 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.

#### **Ordinary code provision 5.1.5**

##### **Mailing of lottery tickets**

##### **All lottery licences**

- 1** 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:
  - a** prohibit the unsolicited mailing of tickets to non-members of the promoting society
  - b** limit the value of tickets sent to any one address which is not that of a member of the promoting society to £20
  - c** maintain records of tickets distributed and not returned.

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

- 1** All advertising of gambling products and services should be undertaken in a socially responsible manner. In particular, licensees should comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) which apply to the form and media in which they advertise their gambling facilities or services. For media not explicitly covered, licensees should apply the principles included in these codes of practice as if they were explicitly covered. Licensees should also follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.
- 2** Licensees should also have regard to the CAP and BCAP 'Guidance on the rules for gambling advertisements' which contains a specific section on 'Misleadingness': 'free bets', or any equivalent guidance that either body may issue in future.
- 3** Marketing communications must not include a child or young person. No-one who is, or seems to be under 25 years old may be featured gambling. No-one may behave in an adolescent, juvenile or loutish way. However, the restriction on allowing people who are, or seem to be, under 25 years old (ie: those in the 18-24 age bracket) to appear in marketing communications need not be applied:
  - a** In the case of non-remote point of sale advertising material, provided that the images used depict the sporting or other activity that may be gambled on and not the activity of gambling itself and do not offend any other aspect of the advertising codes.
  - b** In the case of remote gambling, provided that the images 'appear in a place where a bet can be placed directly through a transactional facility, for instance, a gambling operator's own website. The individual may only be used to illustrate specific betting selections where the individual is the subject of the bet offered. The image or other depiction used must show them in the context of the bet and not in a gambling context' (as provided in the Gambling section of the CAP code)<sup>1</sup>.

<sup>1</sup>This is currently set out in CAP code rule 16.3.14.

## **Social responsibility code provision 5.1.7**

### **Marketing of offers**

#### **All licences**

- 1** Licensees must satisfy themselves that their marketing communications, advertisements, and invitations to purchase (within the meaning of the Consumer Protection from Unfair Trading Regulations 2008), including 'free bet' offers, do not amount to or involve misleading actions or misleading omissions within the meaning of those Regulations.
- 2** Licensees must abide by any relevant provision of the CAP or BCAP code, as the case may be, which relates to 'free bet', 'bonus' or similar offers and in that regard follow the CAP and BCAP 'Guidance on the rules for gambling advertisements'. In particular that:
  - a** Marketing communications (which include advertisements) must state significant limitations and qualifications. Qualifications may clarify but must not contradict the claims that they qualify.
  - b** Marketing communications that include a promotion and are significantly limited by time or space must include as much information about significant conditions as practicable and must direct consumers clearly to an easily accessible alternative source where all the significant conditions of the promotion are prominently stated. Participants should be able to retain those conditions or easily access them throughout the promotion.
  - c** Terms and conditions relating to consumers' understanding of a 'free bet' offer and of the commitments that they have to make in order to take advantage of such an offer should generally be stated in the advertisement itself. Where the advertisement is limited by time or space (for example a banner advertisement), significant conditions likely to affect a consumer's decision to participate in promotions should be displayed no further than one click away from the advertisement itself. If the significant conditions are not displayed with sufficient prominence, the advertisement will be seen as misleading.
- 3** The terms and conditions of each marketing incentive must be made available for the full duration of the promotion.

## **Ordinary code provision 5.1.8**

### **Online marketing in proximity to information on responsible gambling**

#### **All licences**

- 1** Licensees should ensure that no advertising or other marketing information, whether relating to specific offers or to gambling generally, appears on any primary web page/screen, or micro site that provides advice or information on responsible gambling.



### **Ordinary code provision 5.1.9**

#### **Compliance with advertising codes (lotteries)**

##### **All lottery licences**

- 1** All advertising of gambling products and services should be undertaken in a socially responsible manner. In particular, licensees should comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) which apply to the form and media in which they advertise their gambling facilities or services. For media not explicitly covered, licensees should apply the principles included in these codes of practice as if they were explicitly covered. Licensees should also follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.
- 2** Licensees should also have regard to any guidance that CAP and BCAP may issue about advertising lotteries.
- 3** No-one who is, or seems to be under 25 years old may be featured gambling.

## 6 Complaints and disputes

### 6.1 Complaints and disputes

#### **Social responsibility code provision 6.1.1**

#### **Complaints and disputes**

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

- 1 Licensees must put into effect a written procedure for handling customer complaints and disputes.
- 2 Licensees must also ensure that they have arrangements in place for customers to be able to refer any dispute to an ADR entity if not resolved to the customer's satisfaction by use of their complaints procedure. It is permissible for licensees to have arrangements with more than one ADR entity and for customers to be directed to different ADR entities depending on the nature and subject matter of the dispute.
- 3 It is permissible for any such ADR entity to have terms enabling it to reject complaints referred for dispute resolution on the basis they are frivolous or vexatious but licensees may not refuse to refer disputes on that ground.
- 4 The services of any such ADR entity must be free of charge to the customer and must not be subject to terms which restrict, or purport to restrict, the customer's right to bring proceedings against the licensee in any court of competent jurisdiction. Such terms may, however, provide for an agreed resolution of a dispute (arrived at with the assistance of the ADR entity) to be binding on both parties.
- 5 In this code a 'complaint' means a complaint about any aspect of the licensee's conduct of the licensed activities, and a 'dispute' is any complaint which:
  - a relates to the outcome of the complainant's gambling transaction; and
  - b is not resolved at the first stage of the licensee's complaints procedure.
- 6 Licensees must ensure that:
  - a information about their complaints procedure is set out in their terms and conditions;
  - b such information is also readily accessible on the gambling premises or website as the case may be;
  - c such information includes details of how to make a complaint to the licensee and the relevant contact details;
  - d such information includes the identity (with contact details, which can be by way of a link from the licensee's website) of the ADR entity or entities to whom disputes can normally be referred and, where necessary, details of any limitation on the nature and subject matter of disputes with which a particular ADR entity deals
  - e customers are given a copy of the complaints procedure on request or on making a complaint; and
  - f all complaints are handled in accordance with the procedure.
- 7 Should licensees refer a dispute to an ADR entity other than one in respect of which contact details were given in accordance with 6 above they must, at the same time as making the reference, inform the Commission of the reference and reason for selection of the ADR entity concerned.
- 8 Licensees must keep a record of all complaints that are not resolved at the first stage of the complaints procedure.
- 9 Licensees must arrange for a copy of the decision on, or a note of the outcome of, each dispute referred to an ADR entity to be provided to the Commission, either by the ADR entity or by the licensee. This information should be provided in such format and within such timescale as the Commission may from time to time specify.

**10** Licensees must also arrange for any outcome adverse to the licensee of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction to be notified to the Commission as a key event; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.

In this Code, 'ADR entity' means a person offering alternative dispute resolution services whose name appears on the list maintained by the Gambling Commission in accordance with *The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015*.

## 7 Gambling licensees' staff

### 7.1 Gambling licensees' staff

#### **Social responsibility code provision 7.1.1**

##### **Gambling staff – casinos**

##### **All non-remote casino licences**

- 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.

#### **Social responsibility code provision 7.1.2**

##### **Responsible gambling information for staff**

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

- 1 Licensees must take all reasonable steps to ensure that staff involved in the provision of facilities for gambling are made aware of advice on socially responsible gambling and of where to get confidential advice should their gambling become hard to control.

#### **Ordinary code provision 7.1.3**

##### **Gambling staff and irregular betting**

##### **All betting operating licences**

- 1 Licensees should have employment policies that:
  - require employees to report any indicators of irregular and/or suspicious betting to their employer; and
  - prohibit their employees from using information related to irregular and/or suspicious betting for the purpose of placing their own wagers, either with their employer or with other operators.

## 8 Information requirements

### 8.1 Information requirements

#### Ordinary code provision 8.1.1

#### Information requirements – ordinary code

##### All licences

- 1 As stated earlier in this code, the Commission expects licensees to work with the Commission in an open and cooperative way and to inform the Commission of any matters that the Commission would reasonably need to be aware of in exercising its regulatory functions. These include in particular matters that will have a material impact on the licensee's business or on the licensee's ability to conduct licensed activities compliantly and consistently with the licensing objectives.
- 2 Thus, licensees should notify the Commission, or ensure that the Commission is notified, as soon as reasonably practicable and in such form and manner as the Commission may from time to time specify<sup>1</sup>, of any matters which in their view could have a material impact on their business or affect compliance. The Commission would, in particular, expect to be notified of the occurrence of any of the following events in so far as not already notified in accordance with the conditions attached to the licensee's licence<sup>2</sup>:
  - a any material change in the licensee's structure or the operation of its business
  - b any material change in managerial responsibilities or governance arrangements
  - c any report from an internal or external auditor expressing, or giving rise to, concerns about material shortcomings in the management control or oversight of any aspect of the licensee's business related to the provision of gambling facilities.

<sup>1</sup> These matters can be reported securely online at the Commission's website through our eServices system

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

Alternatively, for operators unable to access this system, you can these events by email to:

[key.events@gamblingcommission.gov.uk](mailto:key.events@gamblingcommission.gov.uk)

<sup>2</sup> Events which **must** be reported, because the Commission considers them likely to have a material impact on the nature or structure of a licensee's business, are set out in general licence condition 15.2.1

#### Ordinary code provision 8.1.2

#### Provision of information in respect of cheating

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

- 1 In considering their obligations under licence condition **15.1.2** licensees should in particular keep in mind the scope of the offence of cheating. The Commission would expect to be notified of any information a licensee has which causes them to know or suspect that there has been interference or attempted interference with:
  - a an event which has taken or is taking place in Great Britain on which bets have been or are likely to be or to have been placed (whether in Great Britain or elsewhere); or
  - b an event which has taken or is taking place outside Great Britain on which bets have been or are likely to be or to have been placed in Great Britain.

## 9 Gaming machines in gambling premises

### 9.1 Gaming machines in gambling premises

#### **Social responsibility code provision 9.1.1**

##### **Gaming machines in gambling premises – betting**

##### **All non-remote general betting operating licences, except where betting is offered under a 2005 Act casino premises licence**

- 1 Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.
- 2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.
- 3 Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing betting facilities.

#### **Social responsibility code provision 9.1.2**

##### **Gaming machines in gambling premises – bingo**

##### **All non-remote bingo operating licences**

- 1 Gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for non-remote bingo, provided in reliance on this licence, available in the premises.
- 2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.
- 3 Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities.

#### **Social responsibility code provision 9.1.3**

##### **Gaming machines in gambling premises – casino**

##### **All non-remote casino operating licences, except 2005 Act operating licences**

- 1 Gaming machines may be made available for use in licensed casino premises only where there are also substantive facilities for non-remote casino games and/or games of equal chance, provided in reliance on this licence, available in the premises.
- 2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.
- 3 Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing facilities for casino games and/or games of equal chance.

## 10 Assessing local risk

### 10.1 Assessing local risk

#### **Social responsibility code provision 10.1.1**

##### **Assessing local risk**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.**

- 1 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy<sup>1</sup>.
- 2 Licensees must review (and update as necessary) their local risk assessments:
  - a to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - b when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c when applying for a variation of a premises licence; and
  - d in any case, undertake a local risk assessment when applying for a new premises licence.

<sup>1</sup>This is the statement of licensing policy under the Gambling Act 2005.

#### **Ordinary code provision 10.1.2**

##### **Sharing local risk assessments**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences**

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

## Part III

### Suite of general conditions to be attached to personal licences under Section 75 of the Gambling Act 2005

#### Personal licence conditions

##### All personal licence holders

- 1** Personal licence holders must take all reasonable steps to ensure that the way in which they carry out their responsibilities in relation to licensed activities does not place the holder of the operating or any relevant premises licence in breach of their licence conditions.
- 2** Personal licence holders must keep themselves informed of developments in gambling legislation, codes of practice and any Commission guidance (whether issued on the Commission's website or communicated directly to licence holders) relevant to their role. Holders of personal functional licences must keep their technical competence in respect of their licensed activities up to date.
- 3** Personal licence holders must notify the Commission of the occurrence of any of the following key events within five working days, or as soon as reasonable practicable after the licensee becomes aware of the event's occurrence<sup>1</sup>:
  - a** their subjection to any criminal investigation which is listed under Schedule 7 Relevant Offences of the Gambling Act 2005;
  - b** their conviction of any offence listed under Schedule 7 – Relevant Offences of the Gambling Act 2005;
  - c** any current or pending investigation by a professional, statutory, regulatory or government body in Great Britain or abroad;
  - d** the imposition of any sanction or penalty against them following an investigation by any professional, statutory, regulatory or government body in Great Britain or abroad;
  - e** the imposition of a disciplinary sanction against them, including dismissal, for gross misconduct;
  - f** their resignation from a position for which a personal licence is required following commencement of disciplinary proceedings in respect of gross misconduct;
  - g** their disqualification from acting as a company director;
  - h** the presentation of a petition for their bankruptcy or sequestration or their entering into an individual voluntary agreement;
  - i** a change in their name or address.

<sup>1</sup> These matters can be reported securely online at the Commission's website through our eServices system

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

Alternatively, for operators unable to access this system, you can these events by email to:

[key.events@gamblingcommission.gov.uk](mailto:key.events@gamblingcommission.gov.uk)

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## Part III Personal licence conditions

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## Mandatory and Default Conditions

### Gambling Act 2005



#### Purpose

This guidance provides the mandatory conditions that are applied to Gambling Act 2005 Premises Licences and the default conditions which applicants can apply to be excluded.

#### Bingo Premises

##### Mandatory Conditions

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—
  - (a) a casino premises licence;
  - (b) an adult gaming centre premises licence;
  - (c) a betting premises licence other than a track premises licence; and
- 3.1 This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.
- 3.2 Any area of the premises to which category B and C gaming machines are located—
  - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
  - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
  - (c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3.3).
- 3.3 The reference to supervision in this paragraph means supervision by—
  - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
  - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
- 3.4 A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
- 4.1 In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.
- 4.2 In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (4.3) shall be displayed at the main point where payment for the charge is to be made.

- 4.3 The notice in sub-paragraph (4.2) shall include the following information—
- (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
  - (b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and
  - (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
- 4.4 The notice may be displayed in electronic form.
- 4.5 A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.
- 5.1 The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.
- 5.2 The condition in sub-paragraph (5.1) may be satisfied by:
- (a) displaying a sign setting out the rules,
  - (b) making available leaflets or other written material containing the rules, or
  - (c) running an audio-visual guide to the rules prior to any bingo game being commenced.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

#### Default Conditions

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

#### **Adult Gaming Centre Premises**

##### Mandatory Conditions

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- 4.1 No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- 4.2 A notice stating the condition in sub-paragraph (4.1) shall be displayed in a prominent place at every entrance to the premises.

## Family Entertainment Centre Premises

### Mandatory Conditions

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect:
  - (a) a casino premises licence;
  - (b) an adult gaming centre premises licence;
  - (c) a betting premises licence other than a track premises licence.
2. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- 3.1 Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located:
  - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
  - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
  - (c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (3.2).
- 3.2 The reference to supervision in this paragraph means supervision by:
  - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
  - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
4. A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.
- 5.1 No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- 5.2 A notice stating the condition in sub-paragraph (5.1) shall be displayed in a prominent place at every entrance to the premises.

## Betting Premises Licences (other than track premises licences)

### Mandatory Conditions

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- 2.1 Access to the premises shall be from a street or from other premises with a betting premises licence.
- 2.2 Without prejudice to sub-paragraph (2.1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes:
  - (a) Communicating information about, or coverage of, sporting events, including:
    - i. information relating to betting on such an event; and
    - ii. any other matter or information, including an advertisement, which is incidental to such an event;
  - (b) Communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- 8.1 No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- 8.2 A notice stating the condition in sub-paragraph (8.1) shall be displayed in a prominent place at every entrance to the premises.
9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

#### Default Conditions

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

#### **Track Premises Licences**

#### Mandatory Conditions

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—
  - (a) a casino premises licence;
  - (b) an adult gaming centre premises licence.
2. A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.
3. The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.



4. The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—
  - (a) will be operating under a valid operating licence; and
  - (b) are enabled to accept such bets in accordance with—
    - i. the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or
    - ii. an authorisation under section 94 (horse-race pool betting operating licence) of that Act.
5. The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

### **Track Premises Licences (Horserace Courses)**

#### Mandatory Conditions

- 1.1 This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.
- 1.2 The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operators' assistants to use it for carrying on business in connection with providing facilities for betting.
- 1.3 Sub-paragraph (1.2) is without prejudice to any application under section 187 of the 2005 Act (application to vary a premises licence) to change the location of the part of the track to which that sub-paragraph applies.
- 1.4 Where such an application is granted, sub-paragraph (1.2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.
- 1.5 References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.
- 1.6 The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—
  - (a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and
  - (b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.
- 1.7 A betting operator or betting operator's assistant shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.

- 1.8 No charges may be made to betting operators and betting operators' assistants who are admitted to the existing betting areas of the track, other than—
  - (a) the charge for admission in accordance with sub-paragraphs (1.6) and (1.7), and
  - (b) charges levied to cover costs reasonably incurred in connection with enabling betting operators and betting operators' assistants to operate in the existing betting area.
- 1.9 This paragraph shall not apply after 31st August 2012.
- 2.1 This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.
- 2.2 The licence holder shall provide a place on the premises where betting operators and betting operators' assistants, including small-scale operators, may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.
- 2.3 The reference in this paragraph to "small-scale operators" shall have the same meaning as prescribed in The Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.
- 2.4 This paragraph shall not apply to converted track premises licences before 1st September 2012.
3. In this Part "converted track premises licence" means a premises licence issued in respect of a track where—
  - (a) the holder of the licence held a certificate under section 13 of the 1963 Act, in respect of the same or substantially the same premises (referred to below as "the 1963 Act permission");
  - (b) the 1963 Act permission had effect immediately before 1st September 2007; and
  - (c) the holder of the licence was granted the premises licence, under transitional provisions made under paragraph 9 of Schedule 18 to the 2005 Act, by reason of his holding the 1963 Act permission.

#### Default Conditions

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

#### **Track Premises Licences (Dog Racing Tracks)**

##### Mandatory Conditions

1. A totalisator on the premises shall only be operated—
  - (a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and
  - (b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.

- 2.1 At any time during which the totalisator is being lawfully used on the premises—
- (a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and
  - (b) there shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.
- 2.2 This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.
3. For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

### Default Conditions

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

### **Use of personal data**

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

### **Contact details**

Entertainment Licensing	Phone:	0113 378 5029
Leeds City Council	Fax:	0113 336 7124
Civic Hall	Email:	<a href="mailto:entertainment.licensing@leeds.gov.uk">entertainment.licensing@leeds.gov.uk</a>
Leeds, LS1 1UR	Website:	<a href="http://www.leeds.gov.uk/licensing">www.leeds.gov.uk/licensing</a>

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law.

Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Gambling Act 2005 and associated regulations for full details of the law.

You should seek your own legal advice on the matters raised in this guidance note.

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## GENERAL RISK ASSESSMENT

## Betfred - C4

Location: 86C QUEEN STREET, MORLEY, LEEDS, LS27 9BP

<b>Title :</b> LARA	<b>Date of Assessment :</b> 05/02/2018	<b>Risk Assessor :</b> David Milnes
<b>Risk Assessment Reference :</b> 1258 MORLEY	<b>People involved in making this assessment :</b> David Milnes, Mark Griffiths	
<b>Task/ Process :</b> Licencing Local Area Risk Assessment	<b>People at Risk :</b> Employees, Contractors, Members of the Public, New and Expectant Mothers, Children & Young Persons, Visitors	

**Hazard : Local Area - Bus stops 300 yards from the premises** Potential for people under the age of 18 and vulnerable people to enter the premises.

**Control Measures:**

1. System: CV -: Think 21 age verification procedure in place
2. System: FO-: Self Exclusion Procedure.
3. System: CD-FO-CV-: Online Social Compliance Guide, Quarterly Area Manager Audits, Monthly Compliance Audits and Staff Training.
4. Design: CD- CV-: Clear line of sight to front entrance, side door entrance is visible from counter and locked at dusk, Think 21 posters displayed, good external lighting.
5. Design: CD-FO-CV-: All gaming machines in clear vision.
6. Physical: CD-: Mag-lock on front door, time release safe,
7. Physical: CV-: Gamble Aware branded graphics reduce view in to premises.

**Hazard : Local Area - School Children of all ages pass by en-route to school** School children could attempt to enter the premises.

**Control Measures:**

1. System: CD-CV-: Think 21 age verification procedure in place, including testing by external company, and internal. Social Responsibility Reporting mechanism in place, Quarterly Area Manager Audits, Monthly Compliance Shop Audit and staff training.
2. Design: CV-: Clear line of sight to front entrance ,side door entrance is visible from counter and locked at dusk, Think 21 posters displayed in shop, and at both entrances
3. Physical: CD-: Mag-lock on front door and side door, Think 21 posters displayed.

**Hazard : Local Area – HIGH SCHOOL Mount St Marys 1.5 miles away from premises.** School children could attempt to enter the premises.

**Control Measures:**

1. System: CV-: Think 21 age verification procedure in place, Social Responsibility Reporting mechanism in place, Quarterly Area Manager Audits, Monthly Compliance Shop Audit and staff training, staff aware of uniforms worn by both schools and Collages in the area.
2. Design: CV-: Clear line of sight to front entrance, side door entrance is visible from counter and locked at dusk, Think 21 posters displayed,
3. Physical: CD-: Mag-lock on front door and side door. Think 21 posters displayed.

CC-TV ?

<p><b>Hazard : Morley Newlands Academy 2.7 miles away. Asquith Primary School 2.9 miles away.</b> School children and college students under the age of 18 could attempt to enter the premises.</p>
<p><b>Control Measures:</b></p> <ol style="list-style-type: none"> <li>1. System: CV-: Think 21 age verification procedure in place, Social Responsibility Reporting mechanism in place, Quarterly Area Manager Audits, Monthly Compliance Shop Audit and staff training, staff aware of uniforms worn by both schools and Collages in the area.</li> <li>2. Design: CV-: Clear line of sight to front entrance, side door entrance is visible from counter and locked at dusk, Think 21 posters displayed,</li> <li>3. Physical: CV-: Mag-lock on front door, branded graphics reduce view in to premises, Think 21 posters displayed.</li> </ol>
<p><b>Hazard : Local Area – Premises located on main High Street, in close proximity to local shops and supermarket</b> Customers could use money intended for other purposes such as shopping or paying bills.</p>
<p><b>Control Measures:</b></p> <ol style="list-style-type: none"> <li>1. System: CD-FO-CV-: Think 21 age verification procedure in place, Self-Exclusion Procedure, Online Social Compliance Guide, Quarterly Area Manager Audits, Monthly Compliance Audits, note checks, staff training, and no single manning in the evening.</li> <li>2. Design: CD- FO-CV-: Clear line of sight to front entrance, side door entrance is visible from counter and locked at dusk, all gaming machines in clear vision, Think 21 posters displayed,</li> <li>3. Physical: CD-FO-CV-: Game Aware branded graphics displayed at entrance, premises located in low crime area,</li> </ol>
<p><b>Hazard : Gambling Operations – Increased betting over the counter</b> Financial hardship, distress, violence, aggression or property damage.</p>
<p><b>Control Measures:</b></p> <ol style="list-style-type: none"> <li>1. System: CD-FO-CV-: Policies &amp; Procedures Manual, Quarterly Area Manager Audits, Monthly Compliance Shop Audit and staff training, safe gambling information displayed, Self-Exclusion Procedure.</li> <li>2. Design: CD- FO-CV-: Clear line of sight to front entrance, side door entrance is visible from counter and locked at dusk, all gaming machines in clear vision, Think 21 posters displayed, safe haven and dedicated emergency telephone.</li> <li>3. Physical: CD-FO-CV-: Mag-lock on front door, branded graphics reduce view in to premises, premises located in low crime area,</li> </ol>
<p><b>Hazard : Gambling Operations – Breaches of security, including robbery, violence and aggression against staff</b> Potential fatality, serious injury or financial loss.</p>
<p><b>Control Measures:</b></p> <ol style="list-style-type: none"> <li>1. System: CD-FO-CV-: Policies &amp; Procedures in Security Manual, staff training, regular monitoring of security procedures, no staff under 18 years of age, cash control procedures identified, Fixed Odds Betting Terminals emptied in the evenings whilst no customers are in the premises, with doors locked.</li> <li>2. Design: CD-FO-CV-: Clear line of sight to front entrance, Mag-lock fitted to front door, side door entrance is visible from counter and locked at dusk, safe haven and dedicated emergency telephone, high counter, lockable door to counter.</li> <li>3. Physical: CD-FO-CV-: Time Lock Safe with combination access, Mag-lock fitted to front door, side door entrance is visible from counter and locked at dusk, safe haven and dedicated emergency telephone, high counter, lockable door to counter and panic alarm behind counter.</li> </ol>

<b>Hazard : Gambling Operations – Increased betting on gaming machines</b> Financial hardship, distress, violence, aggression or property damage.
<b>Control Measures:</b>
1. System: FO-CV-: Think 21 age verification procedure in place, customer interaction training for all staff, and logged. Manager loaded credit from behind counter, membership to allow customers to track spending.
2. Design: FO-CV-: Gaming machines are in full view of staff, maximum pf 4 B2 gaming machines on premises, mandatory and voluntary spend and time limits.
3. Physical: FO-CV-: Gamble Aware Notices are displayed at the entrance to and in various locations throughout the premises.
<b>Hazard : Gambling Operations – Single Manning of the premises</b> Potential for violence and aggression leading to fatality, serious injury or financial loss.
<b>Control Measures:</b>
1. System: CD-CV-: Policies & Procedures in Security Manual, Lone Working Policy in place, staff training, regular monitoring of security procedures, no staff under 18 years of age.
2. Design: CD-CV-: Clear line of sight to front entrance, Mag-lock fitted to front door, side door entrance is visible from counter and locked at dusk, safe haven and dedicated emergency telephone, high counter, lockable door to counter.
3. Physical: CD-FO-CV-: Time Lock Safe with combination access, Mag-lock fitted to front door, side door entrance is visible from counter and locked at dusk, safe haven and dedicated emergency telephone, high counter, lockable door to counter and panic alarm behind counter.
<b>Hazard : Gambling Operations – Money / Cash Laundering</b> Use of counterfeit notes or disposal of proceeds of crime.
<b>Control Measures:</b>
1. Physical: CD-: Gaming Machines are designed to reject forged money, UV Note Checking equipment used.images used to identify offenders.
2. Systems: CD-: Avoiding customer fraud policy held within Security Manual, Social Responsibility Reporting Mechanism and Money Laundering Policy in place, staff training.
3. Design: CD-: Suitable lighting levels allow good scrutiny of notes, feel of notes.
<b>Hazard : Premises Design – Access to premises via High Street</b> Lack of access control.
<b>Control Measures:</b>
1. System: CD-FO-CV-: Think 21 age verification procedure in place, Self-Exclusion Procedure, Online Social Compliance Guide, Quarterly Area Manager Audits, Monthly Compliance Shop Audits, staff training.
2. Design: CD- FO-CV-: Clear line of sight to front entrance, side door entrance is visible from counter and locked at dusk, all gaming machines in clear vision, Think 21 posters displayed, Gamble Aware branded graphics displayed in windows to reduce view in to premises.
3. Physical: CD-FO-CV-: Mag-lock on front door, time release safe, premises located in a low crime area,
<b>Hazard : Licence Objectives – Single manning of the premises</b> Potential for young persons to enter the premises to gamble unchallenged, self excluded customers to enter the premises, restricted opportunity to interact with customers displaying problem behaviours, potential for PoCA suspicious activity to go unnoticed
<b>Control Measures:</b>

1. Social responsibility posters and leaflets available in shop, Think 21 and U18 signage at entrance door
2. All staff are aware of the lone working policy and briefed and signed in the security manual
3. Underage gambling procedure in place, staff training in social responsibility and Poca, online social compliance guide, monthly shop compliance audits, Quarterly area manager audits. Compliance refreshers every 6 weeks
4. Clear line of sight to front entrance, all gambling machines in clear view from the counter, mag lock fitted to entrance door, side door entrance visible from counter and locked at dusk, CCTV, lockable door to counter, PA system in place with voice over, door chime installed on front door
5. BOPC alerts indicate time on device and cash inserted, BOPC machine disabling facility, Note pad to record incident for later action
6. Police station within 0.3 miles of the premises.

<b>Documents Associated with this Risk Assessment:</b>	
<b>Review Date :</b> 05/02/2019	<b>Reviewer :</b> David Milnes

CCTV!





Report author: Miss Janice Archibald  
0113 378 5029

## Report of the Head of Elections, Licensing and Registration

### Report to the Licensing Sub Committee

Date: 17th April 2018

Subject: Application to vary a premises licence held by Best Kebab 48 & 50 Westgate, Otley, LS21 3AS

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Otley and Yeadon		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

This is an application to vary a premises licence, made by Mr Sajid Khan, for Best Kebab 48 & 50 Westgate, Otley, LS21 3AS.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from responsible authorities.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of premises**

- 2.1 On the 1<sup>st</sup> February 2016, an application was received in the Licensing Office for the grant of a premises licence for the sale of late night refreshment up to 2 am on weekends. The application attracted representations from responsible authorities and other persons and a ward councilor and was scheduled for hearing before the Licensing Sub Committee where the decision was made to grant the licence, adding the agreed conditions and reducing the hours applied for to up to 00:30 on weekends. The licence was granted in March 2016.

Complaints from residents were received in May 2017 alleging that the premises were repeatedly exceeding their permitted hours up to 2am on weekends.

Warning letters were sent to the premises and the licence holder's home address, the licence holder was advised that the premises would be monitored for compliance.

In July 2017, officers from Entertainment Licensing carried out a covert Test Purchase of hot food, this was 20 minutes after the last permitted sale of hot food. Warning letters were again sent to the licence holder at the premises and his home address.

On the 5<sup>th</sup> November 2017 Police officers attended a large disturbance outside the shop at 2 am. The officers reported that the shop was still open at that time, this is 90 minutes after the last permitted sale of hot food.

A further warning letter was sent to the licence holder at the premises and his home address.

An enforcement officer visited the premises on 9<sup>th</sup> November 2017 and spoke to the licence holder. They discussed the recent incident and the officer requested to view the CCTV system (conditions 1-3) on the premises licence. Mr Khan stated that he had not installed the CCTV system that he had agreed to install at the Licensing Sub Committee hearing on the 29<sup>th</sup> March 2016, as a result no footage was available to assist police in identifying persons involved in the incident.

On the 15<sup>th</sup> November 2017, a Police Community Support Officer witnessed the shop operating at 00:40 hours, last permitted sale of hot food that day is midnight.

On the 5<sup>th</sup> December 2017, Mr Khan telephoned licensing advising that he had been unable to find anyone to install CCTV prior to Christmas. He was advised that he was continuing to breach CCTV conditions, he was also advised that Police had witnessed breaches of hours on the 15<sup>th</sup> November 2017.

On the 12<sup>th</sup> December 2017, two x TEN (temporary event notice) applications were received from the licence holder. The first application was for the weekend before Christmas and the second was for the weekend before and including New Year's Day. As the first application was not received 10 working days before the date of the event, the first ten was deemed a late ten. A representation was received from West Yorkshire Police, which meant that the Ten had to be rejected and on 14<sup>th</sup> December 2017, a Counter Notice was issued to the licence holder.

The 2<sup>nd</sup> Ten for the weekend of New Year's Eve was also subject to a representation from West Yorkshire Police, due to the recent disorder at the premises and because the premises were still failing to comply with the conditions relating to CCTV. As a result, Mr Khan emailed Licensing withdrawing this Ten, the email was received on the 15<sup>th</sup> December 2017.

Entertainment Licensing were advised by West Yorkshire Police that the premises had exceeded their permitted hours and had chosen to disregard the Counter Notice on the 23<sup>rd</sup> and 24<sup>th</sup> December 2017. Entertainment Licensing were also advised by West Yorkshire Police that the premises had exceeded their hours up to 01:45 on New Year's Day, the normal hours for hot food is midnight on that day.

On the 5<sup>th</sup> February 2018, the premises licence holder and his solicitor attended a meeting at Otley Police Station, where Council and Police Licensing Officers advised Mr Khan of his breaches of licence. The premises licence holder advised the meeting that he had installed the CCTV system.

On the 16<sup>th</sup> February 2018, a LCC enforcement officer visited Best Kebab and requested to view the CCTV to check compliance with conditions 1-3 of the licence. The premises licence holder admitted that only the cameras were fitted and there was no hard drive or monitor to view footage.

The Licensing Authority did consider the option of prosecution via the courts, but it was felt that due to the repeated breaches of licensed hours and conditions, a review was the preferred option with the recommendation to revoke the existing licence.

A review was submitted on the 13<sup>th</sup> March 2018.

2.2 A copy of the existing licence is attached at Appendix A.

### **3 The application**

3.1 The applicant is Mr Sajid Khan

3.2 Briefly the application is to:

- Add an additional half hour onto the hours for sale of late night refreshment on a Friday and Saturday night.

### **4 The operating schedule**

4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures have been offered.

## **5 Location**

- 5.1 A map which identifies the location of this premises is attached at Appendix B.

## **6 Representations**

- 6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### Representations from Responsible Authorities

- 6.2 Representations have been received from The Licensing Authority, West Yorkshire Police and The Environmental Protection Team in their capacity as responsible authorities. A copy of all the representation may be found at Appendix C.

### Other representations

- 6.3 There are no other representations.
- 6.4 Members are directed to paragraphs 7.51 to 7.54 of the Statement of Licensing Policy which provides examples of how an application may be considered exceptional and the matters that the council would not normally take into consideration.

## **7 Licensing hours**

- 7.1 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives.
- 7.3 A list of premises in the local area and their licensed hours and activities is provided at appendix D.

## **8 Equality and diversity implications**

- 10.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **9 Options available to Members**

9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

9.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

## **10 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy

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## Details of premises licence

**For: Best Kebab**



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

**Licence number:** PREM/03724/001

**Premises the licence relates to:** Best Kebab, 48 & 50 Westgate, Otley, LS21 3AS

**Date licence first effective:** 29th March 2016

**Date current version effective from:** March 29, 2016

### Licensable activities authorised by the licence:

Provision of late night refreshment	
Friday & Saturday	23:00 - 00:30
Sunday to Thursday	23:00 - 00:00

### Opening hours of the premises:

Friday & Saturday	16:00 - 00:30
Sunday to Monday	16:00 - 00:00

### Premises licence holder(s):

**Mr Sajid Khan, 3 Boynton Street, Bradford, BD5 7BS**

### Access to the premises by children

Access to the premises by children is unrestricted

## **Annex 1 – Mandatory Conditions**

None

## **Annex 2 – Conditions consistent with the operating schedule**

### **Additional details in respect of licensable activities authorised by this licence**

#### Provision of late night refreshment

Location of activity: Indoors

Further details: Hot food takeaway

Concerns in respect of children: None

### **Conditions consistent with the operating schedule relating to the licensing objectives**

#### **The prevention of crime and disorder**

1. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
2. The CCTV system will contain the correct time and date stamp information.
3. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.

#### **Public safety**

4. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scald or burns.

#### **The prevention of public nuisance**

5. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
6. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
7. There shall be no external loudspeakers.
8. Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties.
9. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
10. The activities of persons using the external areas shall be monitored after 11 pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. when necessary.

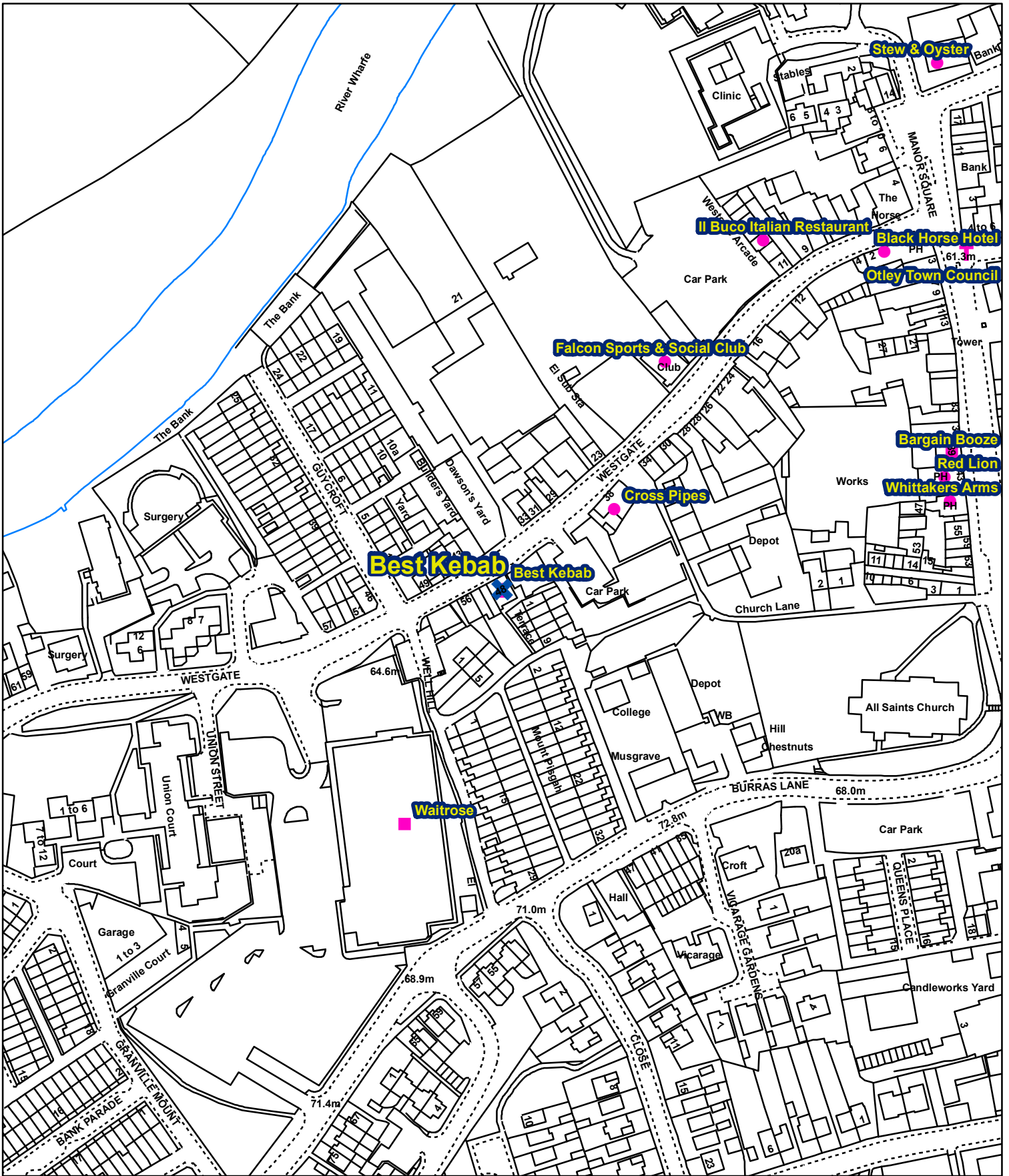


11. The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.
12. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

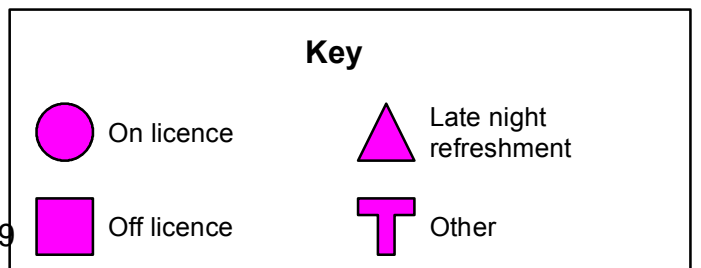
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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

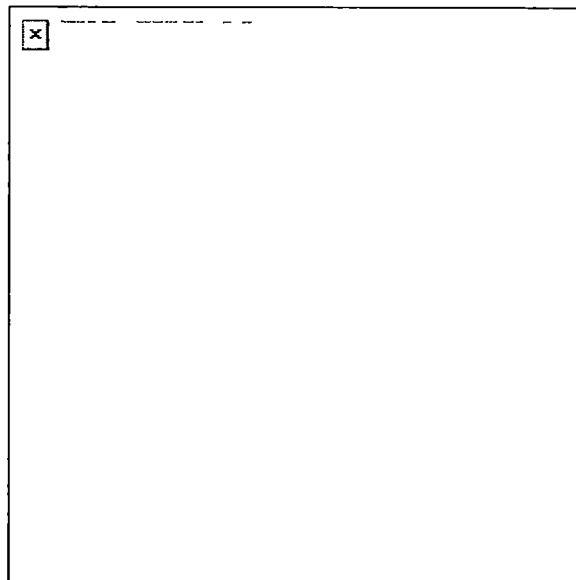
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# APPENDIX C



LCF Law  
One St James Business Park  
New Augustus Street  
Bradford  
BD1 5LL

Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

ENTERTAINMENT LICENSING  
08 MAR 2018  
RECEIVED

Contact Mr Trevor Porter

Our reference PREM/03724/002  
8<sup>th</sup> March 2018

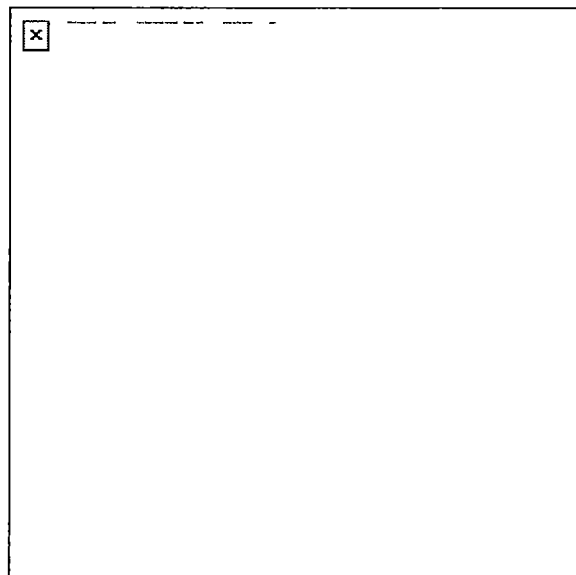
Dear Sir Madam

## Licensing Act 2003

**Name and Address of Premises 48 & 50 Westgate, Otley, LS21 3AS,**

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the license, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters



www.leeds.gov.uk

general enquiries 0113 222  
4444

- The potential for noise disturbance from customers whilst arriving & leaving premises, slamming car doors and vehicle noise in the early hours
- That the hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there could be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises

We also base our objection on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us

### **Description of the surrounding area**

48-50 Westgate is situated at the end of a row of shops including their neighbour which is a pizza shop. Westgate is just outside of the Otley town centre

The premises has a residential flat above as do all the other shops, there are also residential properties facing and at the rear of the premises, with residential streets nearby

Please refer to Appendix 1 Maps of Surrounding Area

### **Description of the applicant venue and the application**

Best Kebab 48-50 Westgate take away shop is situated at the end of a row of shops including their neighbour which is a pizza shop. There is little parking available

Their nearest competitors Pizza Torino are open Sunday to Thursday 12 00-23 45 and Friday & Saturday 12 00-00 30, their second nearest competitors Dragon City Chinese are open Monday – Sunday 17 00-23 00. The local supermarket, Waitrose, opens 08 00-20 00

### **Complaint and other history specific to the applicant premises**

Environmental Health historical noise nuisance complaint from patrons & staff leaving the premises & noise arising from vehicles visiting the premises

Reported breaches of current licence notifications with premises repeatedly operated beyond his permitted hours

2<sup>nd</sup> July 2017 Covert Test Purchase of hot food by Enforcement Officer at 00 50 hours

5<sup>th</sup> November 2017 Police Officers attended a disorder outside shop at 2am. Shop still trading

15<sup>th</sup> November 2017 Police Officers witnessed customers being served at 00 40 hours

12<sup>th</sup> December 2017 2 x TEN applications received from Licence Holder

14<sup>th</sup> December 2017 one of the TENs was a Late TEN (23<sup>rd</sup>-25<sup>th</sup> December 2017) Police Representation & Counter notice issued

15<sup>th</sup> December 2017 following Police Representation to 2<sup>nd</sup> TEN for New Year weekend Licence Holder withdraws application

23<sup>rd</sup> December 2017 Police Officer witnessed shop trading at 01 30 hours despite Counter Notice being issued

24<sup>th</sup> December 2017 Police Officer witnessed shop trading at 01 15 hours despite Counter Notice being issued

1<sup>st</sup> January 2018 Police Officer witnessed shop trading at 01 45 in spite of TEN application being withdrawn

### **Conclusions reached**

Current license opening times of Best Kebab are in keeping with the local area

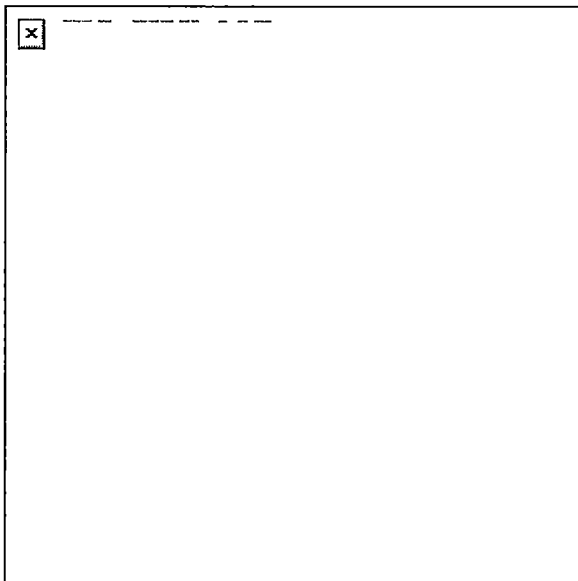
The hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there could be a significant added impact of noise disturbance deeper into the early morning hours to the surrounding residential premises

Consistent notifications for current license breaches, previous complaint nuisance history lead the department to conclude that the application to extend opening hours has the potential to create noise nuisance to the area affecting local amenity into the early morning hours

We recommend that the Sub-Committee refuse the application

We do not believe that further conditions will resolve the application as it stands

Yours sincerely



Mr Trevor Porter  
Environmental Health Officer

### **Appendix 1 Map of Surrounding Area**







LCF Law  
One St James Business Park  
New Augustus Street  
Bradford  
BD1 5LL

**Elections, Licensing & Registration**  
Civic Hall  
Leeds LS1 1UR

Our Ref: A80/MW/LIC/PREM/03724/002

Your Ref:

Contact: Michael Waters

Tel: 0113 2785838

Fax: [REDACTED]

Email: [REDACTED]

Date: 1<sup>st</sup> March 2018

Dear Sir,

**RE: BEST KEBAB 48-50 WESTGATE OTLEY LS21 3AS.**

**APPLICATION FOR A VARIATION OF A PREMISES LICENCE – LICENSING ACT 2003:**

**LICENSING AUTHORITY LETTER OF REPRESENTATION – OBJECTION:**

Thank you for submitting your application for the above premises, received at the address above on the 22<sup>nd</sup> February 2018.

The Licensing Authority is of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives. We therefore confirm that we are submitting a formal representation against your application on the grounds of:

- 1.The prevention of crime and disorder
- 2.The prevention of public nuisance
- 3 Public Safety

The current Premises Licence PREM/03724/001 authorises Best Kebab to provide Late Night Refreshment on the following days:  
Sunday to Thursday: 23:00 to Midnight  
Friday & Saturday: 23:00 to 00:30

Further to complaints received from members of the public and Elected Members, Licensing Enforcement Officers, through enquiries made, found the premises to be providing unauthorised late night refreshment beyond the current permitted licensed hours on a number of occasions. Despite warning letters having being sent and meetings held with the operator, further licensing breaches have been witnessed.

Also, the premises operator failed to comply with the requirements of the Licensing Act in respect of two recent Temporary Event Notices (TEN) notified by them in that one of the TEN's, a 'late' TEN was issued a Counter Notice following a formal representation made by the West Yorkshire Police. Despite the Counter Notice being issued the premises exceeded their permitted licensed hours on both 23<sup>rd</sup> & 24<sup>th</sup> December 2017 by providing late night refreshment after 0030 on the 23<sup>rd</sup> December 2017 and after Midnight on 24<sup>th</sup> December 2017.

They again exceeded their permitted licensed hours on 1<sup>st</sup> January 2018 by providing late night refreshment after midnight on 1<sup>st</sup> January 2018 after withdrawing a TEN for that day.

In addition, the Premises Licence Holder, Sajid Khan has failed to comply with conditions 1-3 (CCTV) of their existing Premises Licence. Mr Khan had agreed to install a Closed Circuit Television System (CCTV) in accordance with West Yorkshire Police Guidelines at the hearing in March 2016. Following an incident of disorder outside the premises at 2am on 5<sup>th</sup> November 2017 it was found that the CCTV system had not been installed. The system was to be provided for the protection of customers and staff. The effect of not having the CCTV system meant that persons involved in the incident could not be quickly identified.

The premises were last visited by Licensing Enforcement Officers on 16<sup>th</sup> February 2018 and the CCTV system that was initially agreed in March 2016 was still not operational.

The Licensing Authority feels that any increase in the permitted hours for Late Night Refreshment would compromise the above objectives and subject properties in the area to nuisance over an extended period. The Premises Licence Holder's inability to comply with the permitted hours on the existing licence is unlikely to result in them complying with the proposed extended hours.

We respectfully request that the Licensing Sub-Committee considers our representation prior to coming to a decision on the application.

Yours faithfully

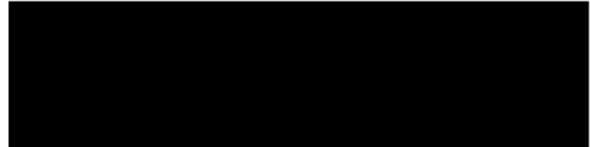
Michael Waters  
Senior Liaison & Enforcement Officer  
Entertainment Licensing



**Leeds District Licensing**

**Department**

**Leeds District Licensing Department**  
**First Floor**  
Elland Road DHQ  
Elland Road  
Leeds  
LS11 8BU



Your ref:  
Our ref:

20<sup>th</sup> March 2018

**Simon Stell**  
LCF Law  
One St James Business Park  
New Augustus Street  
Bradford  
BD1 5LL

**cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR**

**RE: BEST KEBABS, 48-50 WESTGATE, OTLEY, LEEDS, LS21 3AS**  
**APPLICATION TO VARY A PREMISES LICENCE – LICENSING ACT 2003:**  
**POLICE – LETTER OF REPRESENTATION – ‘FULL’ OBJECTION:**

Thank you for submitting your application for the above premises.

West Yorkshire Police are of the opinion that your application contains insufficient information about how you intend to meet the licensing objectives.

We therefore confirm that we are submitting a formal representation against your application on the grounds of:-

1. the prevention of crime & disorder
2. public safety

## **NOT PROTECTIVELY MARKED**

The premises has been found operating on numerous occasions beyond their licensed hours. West Yorkshire Police responded to a violent incident outside the shop at 0200 hours on Sunday 5<sup>th</sup> November 2017. The premises was open at the time, the incident involved customers from Best Kebabs and this was 1 hour and a half after the shop should have ceased trading.

Alongside this, a T.E.N was served for the 23<sup>rd</sup> 24<sup>th</sup> and 25<sup>th</sup> December 2017 and was objected to by West Yorkshire Police, yet there is evidence stated below, that this was ignored and it was seen that the premises continued to serve past their licensed hours.

On 23<sup>rd</sup> December 2017 into the 24<sup>th</sup> December 2017, at 0130 hours, police witnessed a member of staff passing food to a customer and there was another customer waiting to be served, this took place 1 hour past licensed hours.

On 24<sup>th</sup> December 2017 into the 25<sup>th</sup> December 2017, again, police witnessed an individual being served on the premises at 0115 hours, 1 hour 15 minutes past licensed hours.

We were served a T.E.N for the 30<sup>th</sup>/31<sup>st</sup> December 2017 and the 1<sup>st</sup> January 2018, which was later withdrawn by Best Kebab. On the 31<sup>st</sup> the premises was due to stop serving at 2300 hours. However, the police witnessed around 10 customers being served in the shop at 0145 hours on the 1<sup>st</sup> of January 2018, which is 2 hours 45 minutes past the licensed time.

The hours that have been requested in the current application to vary the premises licence involve extending the closing hours from 0030 hours to 0100 hours on Saturday and Sundays. In the examples I have already listed where police have witnessed the premises operating outside its licensed hours, the hours in which they were operating exceed those that are currently being sought. We therefore have no confidence that the extra half hour applied for on a weekend will address the applicant's apparent disregard for his current authorised hours.

On the back of these breaches of the licence, a meeting was held on the 5<sup>th</sup> February 2018 with West Yorkshire Police, Leeds City Council and the licence holder in which these occurrences were highlighted and discussed. Another meeting occurred on the 19<sup>th</sup> March 2018 to check the new CCTV system the licence holder had fitted which was in working order but had not yet attained the required 31 days retention.

Given the above occurrences, the repeated breaches of the licence and the lack of measures offered, West Yorkshire Police object to this application and invite the licensing authority to refuse the application outright at any future hearing.

Natasha Forrest  
Licensing Officer  
Leeds District Licensing Dept

**NOT PROTECTIVELY MARKED**

## Issued premises licences and club certificates within an area



<b>PREM/00577/010 - Waitrose, 60 Westgate, Otley, Leeds, LS21 3AS</b>	
Sale by retail of alcohol (On the Premises - Staff Dining Room and Customer Cafe)	
Every Day	08:00 - 23:00
Performance of recorded music	
Every Day	00:00 - 23:59
<b>PREM/03724/001 - Best Kebab, 48 &amp; 50 Westgate, Otley, LS21 3AS</b>	
Provision of late night refreshment	
Friday & Saturday	23:00 - 00:30
Sunday to Thursday	23:00 - 00:00
<b>PREM/00258/003 - Cross Pipes, 36 Westgate, Otley, Leeds, LS21 3AS</b>	
Sale by retail of alcohol	
Every Day	11:00 - 00:00
Performance of live music	
Thursday to Saturday	19:00 - 23:30
Performance of recorded music	
Thursday to Saturday	19:00 - 23:30

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