

<b>Report to</b>	Licensing sub-committee 6 <sup>th</sup> November 2017	<b>Item</b>
<b>Report of</b>	Head of citywide services	
<b>Subject</b>	Gambling Act 2005: Application for the grant of a premises licence for an Adult Gaming Centre – 20a – 22 St Stephens Street, Norwich, NR1 3SA	<b>3</b>

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## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council 'Gambling Act 2005: Statement of Principles, January 2007', to consider the application for the grant of a premises licence to allow adult gaming, in respect of 20a – 22 St Stephens Street, Norwich, NR1 3SA.

## **Recommendation**

That members determine the application for a premises licence in respect of 20a – 22 St Stephens Street, Norwich, NR1 3SA.

## **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

**Financial implications:** None.

**Ward/s:** Mancroft

**Cabinet member:** Councillor Maguire – Safe City Environment

**Contact Officer:** Tony Shearman, Environmental protection, licensing and markets manager - 01603 212278

## **Background documents**

None

# Report

## The application

1. The applicant is:-

Luxury Leisure  
362C Dukesway  
Team Valley Trading Estate  
Gateshead  
Tyne And Wear  
NE11 0PZ

2. The application seeks to allow the premises to operate as an adult gaming centre.
3. A copy of the application form and other application materials including a plan of the premises, is attached at appendix A.
4. Adult gaming centres (often called arcades) allow the premises to offer an unlimited number of category C and D gaming machines and up to 20% of the total number of machines, can be of category B3 or B4. Further information regarding the categories of gaming machine is attached at appendix B.

## Relevant representations

5. There are no relevant representations to this application from the responsible authorities, however there are a number of representations from local residents and a local business. Copies of the representations are attached at appendix C.

## Norwich City Council Gambling Act: Statement of Principles, January 2007

6. Attached at appendix D are the elements of the city council's policy, which are considered to have a bearing upon determining the application.

## Gambling Commission Guidance (issued under section 25 of the Gambling Act 2005) and Licence conditions and codes of practice (LCCP)

7. Attached at appendix E are the elements of the guidance and codes of practice that are considered to have a bearing upon the application.

## Considerations

8. In considering applications made to it under the Act, this authority is required to have regard to:
- The Gambling Act 2005 and the secondary regulations issued under the Act;
  - The licensing objectives set out in the Act;
  - The Guidance given to licensing authorities by the Gambling Commission;
  - The authority's own gambling statement of principles.
9. The three licensing objectives set out under the Act are:

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

10. Section 153 of the Act provides that in exercising its function in determining applications a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice under Section 24 of the Act (i.e. the LCCP);
- In accordance with any relevant guidance issued by the commission under Section 25 of the Act;
- Reasonably consistent with the licensing objectives (subject to the above);
- In accordance with the statement of policy published by the authority under Section 349 (subject to the above)

11. Section 153(2) of the Act states that a licensing authority may not have regard to the expected demand for the facility which is proposed to be provided.

12. The Act also states that the authority must not consider planning permission in reaching its determination.

13. In determining the application, and considering the above, the Sub-Committee may take such of the following steps as it considers appropriate:

- Grant the application as asked;
- Modify the licence by imposing conditions;
- Reject the whole or part of the application

14. In considering the imposition of conditions, the Sub-committee should have regard to the relevant sections of chapter 9 of the Gambling Commission guidance as set out in appendix E.

### **Gambling Premises in the Locality**

15. There are a number of existing premises licensed for gambling in the surrounding area as set out below:

- Cashino Gaming, Old Post Office Court
- Betfred, 68-72 London St
- Paddy Power, 15 Orford Place
- William Hill, 7 Castle Street
- Jennings Bet, 5A St Stephens Street
- Coral, 19 St Stephens Street
- Ladbrokes, 12-12A White Lion St
- Betfred, 7 White Lion St
- Coral, 45-53 Prince-of-Wales Road

CORPORATE RESOURCES

- 4 SEP 2017

POST ROOM



LUXURY LEISURE

NOVOMATIC GROUP

AF 0763 9033 7GB

SD 1pm

1<sup>st</sup> September 2017

Licensing Authority  
Public Protection (Licensing)  
Citywide Services  
Norwich City Council  
City Hall  
St Peter's Street  
Norwich  
NR2 1NH

Our Ref: EJS/TCR/New AGC

By Royal Next Day Special Delivery  
AF 0763 9033 7GB

Dear Sirs

Re: **Gambling Act 2005**  
**Application for an Adult Gaming Centre Premises Licence for**  
**Admiral, 20A – 22 St Stephens Street, Norwich, NR1 3SA**  
**Applicant – Luxury Leisure**



Further to my recent telephone conversation with Maxine Fuller on 25<sup>th</sup> August, I confirm that Luxury Leisure has obtained a right to occupy the above site and obtained planning permission to operate it as an Adult Gaming Centre (AGC).

Accordingly, we now wish to apply for an AGC premises licence under the Gambling Act 2005 (the Act).

Luxury Leisure has held an operating licence (reference 1876) since the Act came into effect in 2007. It is part of the Novomatic global group of businesses and, together with its sister company Talarius Limited, is the largest operator of AGCs in the country. We have a long record of effective and responsible management within the industry and are founder members of the trade association BACTA (where I am the Chair of the AGC division) and are certified by GamCare.

We place a high premium on excellent staff training which is refreshed regularly and the grant to Luxury Leisure of its Operating Licence evidences the Gambling Commission's satisfaction with our operating standards.

Luxury Leisure operates a 'Think 25' policy at all of its AGC premises and uses the services of Serve Legal for third party test purchases, the results of which are reported to the relevant local authorities and to the Gambling Commission.

Continued (2/2) ...

tel: +44(0)1914978200  
fax: +44(0)1914875334

362C Dukesway, Team Valley Trading  
Estate, Gateshead, NE11 0PZ

email: [info@luxuryleisure.co.uk](mailto:info@luxuryleisure.co.uk)  
[luxuryleisure.co.uk](http://luxuryleisure.co.uk)



Continuation (2/2) ...

Obviously, all of our premises are fully compliant with legislation and in particular I confirm that in relation to these premises, the relevant Mandatory and Default Conditions set out in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 will be observed. As such, I confirm that amongst the notices on site, there will be a notice in a prominent place at the entrance to the premises stating that no person under the age of 18 will be permitted to enter.

A Local Risk Assessment has been prepared for the site, using both local knowledge and a third-party mapping tool.

Please specify any other information you require.

On the basis of the above, I accordingly enclose:-

- an application form;
- a cheque in the sum of £2,000.00 in payment of the fee;
- a drawing referenced 1360 (L)01 R1. You will see that the drawing is coloured to show the boundary of the premises marked red and the gaming machine area marked green. We draw your attention to the notes on the drawing; and
- a Local Risk Assessment for the site.

I confirm that within 7 days of the date on which the application is made, the Responsible Authorities (details of which have been kindly confirmed by your licensing officers) will be served with notice of the application in statutory form. The requisite press notice will be published in Eastern Daily Press within 10 working days, starting on the day after the date the application is made. The requisite site notice will, from the date on which the application is made, be displayed for 28 consecutive days, again in accordance with regulations.

We will contact you in early course to discuss the application in more detail and to answer any outstanding questions. Once the consultation period has run its course we will need to liaise with you with regard to the date of issue of the licence to allow for the relevant internal (non-structural) fit out works.

In the meantime, please acknowledge receipt of the application and confirm that it is in order.

Yours faithfully



Elizabeth Speed  
Group General Counsel  
**Novomatic UK**  
**For Luxury Leisure**  
Direct +44 (0) 191 497 8222  
Mobile +44 (0) 7808 571 588  
[espeed@novomatic.co.uk](mailto:espeed@novomatic.co.uk)

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

Where the application is—

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

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

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

Regional Casino ☐

Large Casino ☐

Small Casino ☐

Bingo ☐

Adult Gaming Centre ☒

Family Entertainment Centre ☐

Betting (Track) ☐

Betting (Other) ☐

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

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

**Part 2 – Applicant Details**

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

**Section A**

**Individual applicant**

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

2. Surname:

Other name(s):

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

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

Postcode:

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

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



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

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

## Section B

### Application on behalf of an organisation

6. Name of applicant business or organisation:

**LUXURY LEISURE**

*[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:

**362C DUKESWAY  
TEAM VALLEY TRADING ESTATE  
GATESHEAD  
TYNE & WEAR**

Postcode: **NE11 0PZ**

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

**0001-001-0000000000000000**

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):

**ADMIRAL**

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

**20A – 22 ST STEPHENS STREET  
NORWICH**

Postcode: **NR1 3SA**

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

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

**THE PREMISES WILL BE LOCATED ON THE GROUND FLOOR OF A 2 STOREY PREMISES pIN A PARADE OF COMMERCIAL RETAIL UNITS**

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

**NO** *[delete as appropriate]*

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

**Part 4 – Times of operation**

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

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

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

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



### Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): **SEE LETTER** (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?  
**NO** [delete as appropriate]

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

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

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

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

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

Checklist:

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

### Part 7 – Signatures

21. Signature of applicant of the applicant, please state in what capacity: **Authorised agent. If signing on behalf of the applicant, please state in what capacity:**  
Signature: 

Print Name: **ELIZABETH SPEED**

Date: **1<sup>ST</sup> SEPTEMBER 2017**

Capacity: **GROUP GENERAL COUNSEL**

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:

**ELIZABETH SPEED – GROUP GENERAL COUNSEL**

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

24. Postal address for correspondence associated with this application:

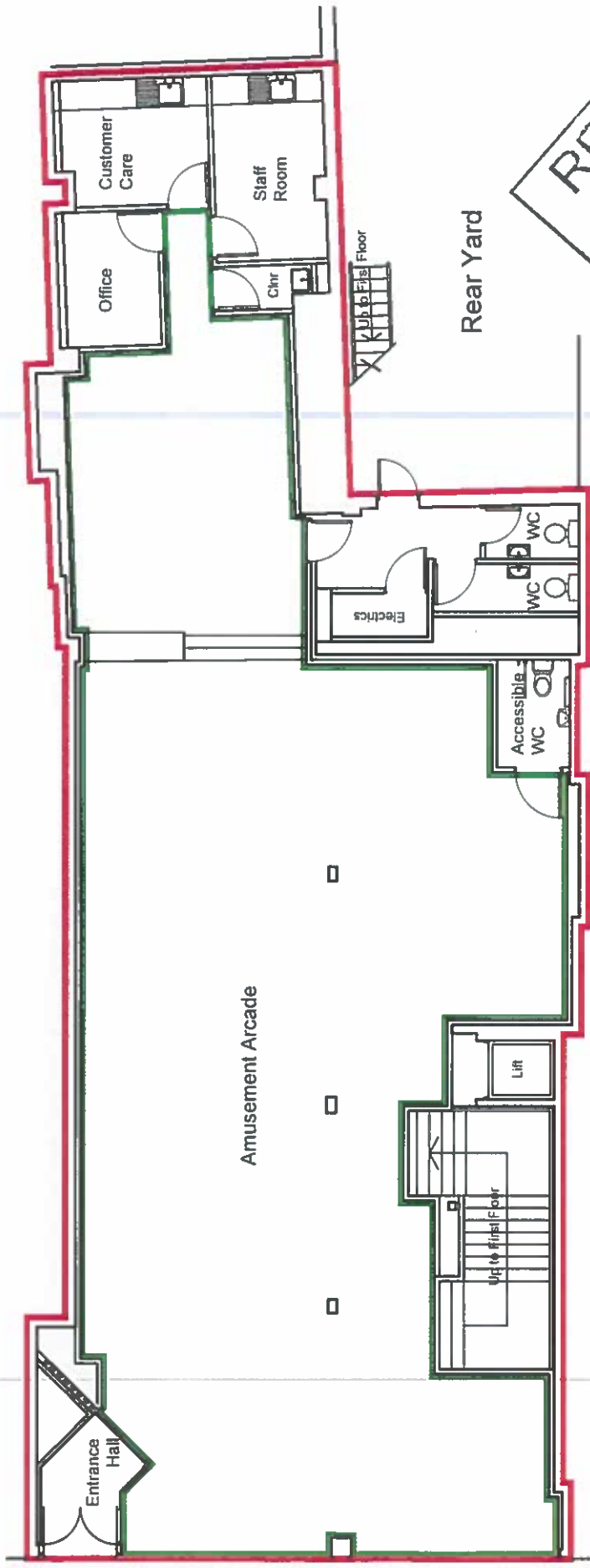
**LUXURY LEISURE  
362C DUKESWAY  
TEAM VALLEY TRADING ESTATE  
GATESHEAD  
TYNE & WEAR**

Postcode: **NE11 0PZ**

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:



St Stephen's Street



### Ground Floor Plan

- Red Line denotes premises boundary
- Green Line denotes gaming machine area

LAYOUT OF THE PREMISES WITHIN GAMING MACHINE AREA AND LAYOUT OF ANCILLARY NON-GAMBLING AREAS ARE INDICATIVE ONLY AND SUBJECT TO CHANGE ACCORDING TO OPERATIONAL REQUIREMENTS.



1:125 Scale in m.  
0 1 2 3 4 5 6

RECORD

R1 29.08.17 First Issue



**LUXURY LEISURE**  
NOVOMATIC GROUP

**ian Belsham Associates**  
Chartered Architects

Keel Row 4  
The Watermark  
Gateshead  
NE11 9SZ  
Tel: 0191 461 1411  
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architects@belsham.com

20-22 ST STEPHENS STREET  
NORWICH NR1 3SA  
GAMBLING ACT 2005  
LICENSING PLAN  
THIS DRAWING IS COPYRIGHT

DRAWN	AM
DATE	29.08.17
SCALE	1:125 @A4
CHECK	PCW
1360 (L)01	R1

## Social Responsibility Local Risk Assessment

### Premises

Premises Name:	Admiral
Premises Address:	20-22 St Stephens Street
Premises Post Code:	NR1 3SA
Premises Licence Number:	
Category of Premises:	AGC

### Company

Operating Company:	Luxury Leisure
Operating Licence Number:	1876

### Assessment Writer

Name of Person Writing this Assessment:	Mark Thompson
Position within Company or Name of Authorised Agent:	Head of Security and Compliance
Date that Original Assessment was Written	August 2017

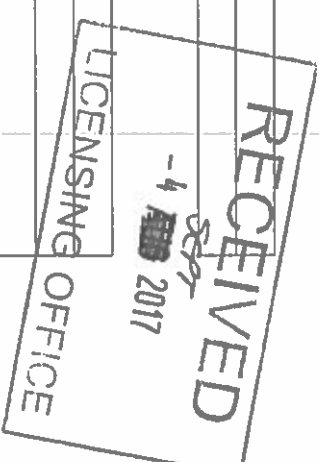
### Requirements under the License Conditions and Codes of Practice

Effective from 6 April 2016

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

Social responsibility code provision 10.1.1

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.



## Social Responsibility Local Risk Assessment

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.

### Ordinary code provision 10.1.2

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.

### Local Area and Site Profile

The venue is located in a busy city centre street alongside other national high street retailers and a large city centre shopping mall managed by Intu. There are two high street betting shops in close proximity, however, there is not the clustering of gambling facilities often found in major towns and cities. There is a bank with ATM facilities adjacent to the venue as well as many other banks, pawn shops and payday loan style shops in the vicinity. Although there are some schools within the 500 metre radius from the location none are in the immediate vicinity of the venue.

St Stephens Street is a busy bus route with a large number of bus stops serving the largely pedestrianised city centre. There are bus stops almost immediately outside of the venue.

The venue itself is a medium sized venue, largely square in shape and located on the ground floor. It has a single entrance/exit at street level to the front and the layout of machines and location of the meet and greet station are designed with visibility of the entrance a key consideration.

There are no known local problems with crime or anti-social behaviour linked to gambling.

Luxury Leisure are a responsible operator and continually monitor the recordable events required by the LCCP by return to the Gambling Commission. Such events, such as numbers of young people attempting to enter the venue or numbers of calls to police, are the subject of weekly and monthly reporting so that any risks they may indicate are identified and managed expeditiously.

The local authority does not have a statement of principles in relation to the Gambling Act 2005 so it could not be considered in the completion of this assessment.

## Social Responsibility Local Risk Assessment

### Gambling Act 2005 – The Licensing Objectives

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

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

Risk Identification	LO	Level of Risk	Impact	Risk Management	Reviewed
Children entering site unnoticed.	C	Low	Severe to business. Severe to child.	<ul style="list-style-type: none"> <li>- Layout of premises considered in staff numbers and deployment. The site is never single staffed ensuring staff are employed at busy periods of the day which coincide with school closing times.</li> </ul>	August 2017
Children entering site unnoticed.	C	Low	Severe to business. Severe to child.	<ul style="list-style-type: none"> <li>- Staff deployed to specific zones for which they have responsibility.</li> </ul>	August 2017
				<ul style="list-style-type: none"> <li>- Machine layout takes into consideration line of site to the entrance.</li> </ul>	
Children enter site with adult.	C	Low	Severe to business. Moderate to child.	<ul style="list-style-type: none"> <li>- There is a lobby area beyond the doorway from the street ensuring that those who enter cannot simply inadvertently walk in without passing a through a further door and past clear Over 18 signage.</li> </ul>	August 2017
Children enter site and play before being noticed.	C	Low	Severe to business. Severe to child.	<ul style="list-style-type: none"> <li>- The cash desk/refreshment station is positioned to give line of sight to the entrance.</li> </ul>	August 2017
				<ul style="list-style-type: none"> <li>- CCTV cameras positioned to cover the entrance and secluded parts of the premises.</li> </ul>	
Children enter site and play where age is misjudged.	C	Low	Severe to business. Severe to child.	<ul style="list-style-type: none"> <li>- There is a 'Think 25' policy in operation which has been trained to all staff.</li> </ul>	August 2017

## Social Responsibility Local Risk Assessment

Age verification is not sought.	C	Low	Severe to business.	<ul style="list-style-type: none"> <li>- All staff are trained in social responsibility as part of their induction and are provided with quarterly refresher training.</li> </ul>	August 2017
Children knowingly allowed to play.	C	Low	Severe to business. Severe to child.	<ul style="list-style-type: none"> <li>- Posters and displays of acceptable identification on site for staff.</li> <li>- Clear 'Over 18' signage is displayed, visible from outside and also in the entrance to the arcade.</li> <li>- Luxury Leisure use independent test purchasing operations.</li> <li>- Stringent disciplinary procedures for failures identified through Test Purchasing.</li> <li>- Social Responsibility returns data reviewed weekly through submissions from district to Compliance manager and head of compliance.</li> <li>- All social responsibility returns data subject to a quarterly compliance review.</li> </ul>	August 2017
Failure to provide information to players on responsible gambling.	C	Low	Severe to business. Severe to customer	<ul style="list-style-type: none"> <li>- Responsible Gambling posters and leaflet holders containing 'Stay in Control' leaflets prominently displayed and well stocked.</li> <li>- Responsible Gambling Poster adjacent to ATM.</li> <li>- New poster designs to incorporate QR codes for GAMCARE, Playnice.org and number for national gambling helpline.</li> </ul>	August 2017
Failure to provide information in a suitable format.	C	Low	Severe to business. Severe to customer.	<ul style="list-style-type: none"> <li>- GAMCARE stickers on all machines.</li> <li>- Compliance Audit function performed by District Manager level and also through Security and Compliance managers.</li> </ul>	August 2017

## Social Responsibility Local Risk Assessment

Failure to recognise signs of problem gambling.	C	Low	Severe to business Severe to customer	<ul style="list-style-type: none"> <li>- Additional aspects to training incorporating guidance on identifying problem gambling, procedure for interaction and sources of help.</li> <li>- Clear policy to detail the procedure for interaction and level of staff that can 'intervene'.</li> <li>- New 'Stay in control leaflets' with QR codes to Playnice.org and GAMCARE.</li> <li>- All recorded SR data subject to a quarterly compliance review by senior management.</li> </ul>	August 2017
Failure to interact with customer displaying signs of problem gambling.	C	Low	Severe to business. Severe to customer.		August 2017
Failure to sign-post customer to help and support.	C	Low	Severe to business. Severe to customer.		August 2017
Failure to properly administer self-exclusion.	C	Low	Severe to business. Severe to customer.		August 2017
Failure to impose exclusion in locality and in same types of establishments.	C	Low	Severe to business. Severe to customer.		August 2017
Customer breaches of self-exclusion.	C	Low	Severe to business. Severe to customer.	<ul style="list-style-type: none"> <li>- Digital cameras provided at all sites to take an image of customers wishing to self-exclude so that the exclusion can be effectively enforced.</li> <li>- 'Locality' is deemed by Luxury Leisure, in line with BACTA's SR committee, to be a radius of 1000 metres from the location of the site at which the self-exclusion is being requested. The location of the site in relation to the customer's home address and any regular routes to work for example will be considered if the customer requests a wider exclusion.</li> </ul>	August 2017
Customer breaches self-exclusion by using another to gamble on their behalf.	C	Unknown	Moderate to business. Severe to customer.		August 2017



## Social Responsibility Local Risk Assessment

				<ul style="list-style-type: none"> <li>- All SR returns data subject to a quarterly compliance review.</li> </ul>	
<b>Money Laundering</b> (Dye stained notes and Criminal spend).	<b>A</b>	<b>Low</b>	<b>Low – Severe</b>	<ul style="list-style-type: none"> <li>- Appointed MLRO officer.</li> <li>- Staff training at Induction and regular refresh training.</li> <li>- Policy statement relating to AML in company policy and procedure document.</li> <li>- Automated alerts via Sentinel relating to machine note levels and handpay limits.</li> <li>- TITO tickets not transferable between sites.</li> <li>- Comprehensive CCTV coverage in all sites and in particular covering the slim change machines (ATRs).</li> <li>- Partnerships with local police where appropriate to identify and discourage criminal spend.</li> </ul>	<b>August 2017</b>
<b>Commission of criminal offences to fund problem gambling</b>	<b>A</b>	<b>Low</b>	<b>Low – Severe</b>	<ul style="list-style-type: none"> <li>- Stringent policy and procedures in place to identify and intervene with customers who may be vulnerable to harm through problem gambling. See above under Information to players, Customer Interaction and Self-Exclusion.</li> </ul>	<b>August 2017</b>
<b>Anti-social behaviour associated with late night operation</b>	<b>A</b>	<b>Low</b>	<b>Low – Severe</b>	<ul style="list-style-type: none"> <li>- Access control measures utilised at night where appropriate.</li> <li>- Policy of non-players refused entry or asked to leave.</li> <li>- Refreshments offered only to players and known customers.</li> </ul>	<b>August 2017</b>
<b>Poor security increasing vulnerability to robbery or theft.</b>	<b>A</b>	<b>Low</b>	<b>Low – Severe</b>	<ul style="list-style-type: none"> <li>- Static panic alarms.</li> <li>- All staff have personal attack 'hold-up' alarms.</li> <li>- Premises fitted with intruder alarm.</li> <li>- Extensive CCTV coverage.</li> <li>- Strict key storage procedure.</li> </ul>	<b>August 2017</b>

## Social Responsibility Local Risk Assessment

				<ul style="list-style-type: none"> <li>- Time lock safes utilised.</li> <li>- Staff personal floats limited to £100.</li> <li>- This venue will participate in any city centre shop-watch type scheme should one be in operation. (To be confirmed when open).</li> </ul>	
<b>Failure to display Terms and Conditions</b>	<b>B</b>	<b>Low</b>	<b>Low – Moderate</b>	<ul style="list-style-type: none"> <li>- Terms and Conditions displayed prominently within the premises.</li> </ul>	<b>August 2017</b>
<b>Failure to deal with customers making complaints about the outcome of gambling</b>	<b>B</b>	<b>Low</b>	<b>Low – Moderate</b>	<ul style="list-style-type: none"> <li>- Machines only acquired from licensed suppliers.</li> <li>- Additional machine compliance checks completed by a technician when installing new machines.</li> <li>- Machine maintenance carried out by qualified technician.</li> <li>- Clear service complaint protocol to deal with machine or game performance related customer complaints.</li> <li>- Customer complaints policy and procedure.</li> <li>- Complaints policy and procedure displayed prominently in each site.</li> <li>- Complaint forms available at each site.</li> <li>- Luxury Leisure head office complaints telephone line.</li> <li>- Novomatic UK group complaints channel.</li> <li>- Registered with an ADR entity – BACTA.</li> </ul>	<b>August 2017</b>

<u>Machine category</u>	<u>Max stake</u>	<u>Max prize</u>
B3	£2	£500
B4	£2	£400
C	£1	£100
D money prize	10p	£5
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

**Biesterfield Consulting**

Mill House, 20 The Village, Eglington, Northumberland NE66 2TX, ,

Date: 29.09.17

City of Norwich Licensing Authority

Public Protection (Licensing)

Citywide Services

Norwich City Council

City Hall

St Peter's Street

Norwich NR2 1NH

Dear Sir,

**Gambling Act 2005 - Application for Adult Gaming Centre ('AGC') Premises License by Luxury Leisure for premises at 20A-22 St Stephens Street, Norwich NR1 3SA.**

**Introduction**

1. I am a consultant with particular expertise in planning and licensing as they relate to gambling premises<sup>1</sup> and was for some thirty years, until the sale of most of the business in 2014, the legal and development director of the 'Noble Group', of which the applicant company then formed part. I have conducted well over one hundred planning and licensing applications and appeals for such premises.
2. This representation in relation to the above application is made on behalf of my client, Cashino Gaming Ltd, which operates an Adult Gaming Centre at Old Post Office Court, Norwich. My client's premises are long established but were only acquired by my client some eighteen months ago. They have since been comprehensively refurbished and re-launched.
3. My client's status as a 'trade objector' neither affects, less still undermines the regulatory and legal merits of this objection. Indeed, my client's operational experience, and my own, may assist in the scrutiny of the application.

**In this letter, the following abbreviations are used:**

<sup>1</sup> I maintain my solicitor's Practising Certificate but here act as my client's consultant rather than as its solicitor.

- "The Act" means the Gambling Act 2015;
- "The Gibraltar Case" means *Gibraltar Betting & Gaming Association Ltd - and - (1) The Secretary of State for Culture, Media & Sport (2) The Gambling Commission - and - (1) The Government of Gibraltar (2) The Gibraltar Gambling Commissioner*;
- "The GC" means the Gambling Commission;
- "The GC's Guidance" means the Gambling Commission's Guidance to Licensing Authorities 5<sup>th</sup> Edition (updated in September 2016);
- "The LA" or in the alternative and where the context admits "Norwich" means Norwich City Council licensing authority under the terms of the S 2(1)(c) of the Act;
- "The LA's SoP" means Norwich's 'Statement of Principles 2006' adopted in January 2007;
- "The LCCP" means the GC's Licence conditions and codes of practice – January 2017;
- "The Licensing Objectives" means those set out in S1 of the Act<sup>2</sup>.

### "Interested Party"

Cashino Gaming Limited is an "Interested Party" in terms of S 158(b) of the Act, paragraph 8.14 and 8.15 of the GC's Guidance<sup>3</sup> and the definition of that term in the LA's SoP which adopts the GC's approach, viz: *"The authority will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation..."*

In the unlikely event of my client's status as an "Interested Party" being disputed, I would be happy to provide further explanation.

As will become apparent, while my client's business will be affected in terms of competition, its objection to the above application is not based on 'demand' but on the potential impact of the proposal on the Licensing Objectives. My client's objection is therefore admissible, relevant and cannot be said to be vexatious or frivolous.

In light of my client's representation in relation to the application and regardless of whether there are any others, a hearing is, of course, mandatory.<sup>4</sup>

<sup>2</sup> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime. 2. Ensuring that gambling is conducted in a fair and open way. 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

<sup>3</sup> *The nature and scope of business interests that could be affected: 8.15 The licensing authority should be satisfied that the relevant business is likely to be affected. Factors that are likely to be relevant include: the size of the premises; the 'catchment' area of the premises, that is, how far people travel to visit the premises; whether the person making the representation has business interests in that catchment area that might be affected.*

<sup>4</sup> S162 of the Act.

## The Proper Approach to the Application

At the prospective hearing, the starting point for the consideration of the application will be S 153 of the Act<sup>5</sup>. The following points relate to the correct interpretation of that section:

- Local knowledge is at the heart of the application process. This is born out by the fact that it is the LA that is responsible for the issue of Premises Licenses with the GC making clear that it will not usually make any representations in respect of particular applications<sup>6</sup>.
- Armed with that local knowledge, if the LA does not “*think*” that the use of the application premises is “*in accordance*” with any provision of the LCCP, the GC’s Guidance or the SoP; or “*thinks*” it is not “*reasonably consistent with the licensing objectives*”, the “*aim to permit*” is effectively dis-applied (although the possible role of imposed conditions and, in the particular circumstances, their likely efficacy, will be relevant). Indeed, per paragraph 5.20 of the GC’s Guidance: “*Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority **may not do so** [emphasis added] unless satisfied that such use would be in accordance with this guidance, any relevant Commission code of practice, its own statement of licensing policy, and the licensing objectives*”. It should be noted that this guidance post-dates Norwich’s SoP.
- While an evidence-based approach to decision making is desirable, the Courts have acknowledged that such an approach cannot always be a prerequisite (see the Gibraltar Case<sup>7</sup>). Put simply, not every issue is susceptible to empirical evidence and the Committee members determining the application at the hearing will be fully entitled to use their local knowledge as part of the evidence base.

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### <sup>5</sup> S 153 Principles to be applied

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

(a) in accordance with any relevant code of practice under section 24,

(b) in accordance with any relevant guidance issued by the Commission under section 25,

(c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and

(d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

<sup>6</sup> Para 7.55 of the GC’s Guidance: *The Commission does not routinely make representations on premises licence applications. However, the fact that the Commission has not made a representation on a particular premises licence application should not be taken as indicating the Commission’s approval of that application.*

<sup>7</sup> Extract from the Gibraltar Case: *In my view the extent to which a justification requires evidence to support it depends upon the nature of the measure in issue. As Lord Neuberger pointed out in Sinclair Collis (para [238]) some measures appeal to common sense and not to an arithmetical or a “mechanistic” analysis. Some measures can also be justified “as a matter of elementary economic logic” (ibid para [242]) and equally some criticisms of a measure can be justified by the same token. ... The view expressed in Sinclair Collis is consistent with the position adopted by the Court of Justice in Pfleger (ibid) paragraph [51] (set out at paragraph [97] above) to the effect that “studies” are not always required by way of justification.*

- Accordingly, the LA has a wide discretion in deciding whether a particular application should be granted and is obliged to take account of local circumstances. As the GLA makes abundantly clear, the 'aim to permit' is no more than a starting point and does not fetter the LA's discretion to refuse an application if it "thinks", for instance, there is a risk of harm to the vulnerable.

It is also pertinent to draw attention to certain statements of the obvious - all of them endorsed by judicial authority (e.g. by Green J, in parts quoting other authorities with approval, in the Gibraltar Case – footnote 8, below, comprises pertinent extracts from Green J's decision:

- Controls on the issue of gambling premises licenses are an adjunct of 'consumer protection'. The Act is essentially permissive but not in an unbridled sense – hence, the terms of S 153 as explained above.
- The desirability of competition in the context of gambling provision is not to be regarded in the same way as in the context of other, potentially less harmful, consumer activities<sup>8</sup>.
- It follows that if the LA "thinks" that the grant of an additional licence may, for instance, risk harming the vulnerable, it is fully entitled to refuse it. This has nothing to do with 'demand'. Indeed, the fact that there may be 'demand' for gambling facilities may increase the risk of harm to the vulnerable likely to be caused by additional facilities intended to meet it.

Finally, it is appropriate to note that because of the overlap that has developed between betting premises and AGC's (see **The Nature of the Use**, below), problems related to the licensing objectives and driven principally by B2 gaming machines in betting premises (e.g. their well-known exacerbation of problem gambling) may be further exacerbated by the provision of more B3 gaming machines in AGC's and the increased competition between all machine-gaming establishments, arising from the grant of an additional license.

#### Local Circumstances - Profile of Norwich

1. Paragraph 2.1 of the SoP provides only a basic profile of the LA's area of jurisdiction noting: that "*...the City Council area has a population of 125,000 (2004 mid year estimate) making it the third largest in the County in terms of population. In terms of area it is the smallest, covering 15 square miles. The Council area is entirely urban.*"

<sup>8</sup> Extract from the Gibraltar Case: Equally, in other cases the Court has made clear that whilst traditionally measures designed to reduce or curtail competition would be unacceptable, in the specific context of gambling, competition in its unbridled form tended to increase consumer welfare problems (e.g. addiction) and that therefore measures taken to restrict competition could be categorised as consumer orientated. See e.g. Pfleger at [46] set out in paragraph [97] below. [and] Furthermore, it is not disputed that, unlike the introduction of free, undistorted competition in a traditional market, the presence of that kind of competition in the very specific market of games of chance, that is to say, between several operators authorised to run the same games of chance, is liable to have detrimental effects, owing to the fact that those operators would be led to compete with each other in inventiveness to make what they offer more attractive than what their competitors offer, and thereby to increase consumers' expenditure on gaming and the risks of their addiction (Joined Cases C-186/11 and C-209/11 *Stanleybet International and Others* EU: C 2013:33, paragraph 45).

2. However, the SoP has not been revised since 2006 and, were it to be so revised, it is likely that it would present a profile more focused on matters concerning the Licensing Objectives and the increased focus on "Strengthening Social Responsibility"<sup>9</sup>. In that context, it is noteworthy that:
- i. Since 2006, the focus on 'community safety' introduced by the Crime & Disorder Act 1998 has increased in Norwich;
  - ii. Work has been carried out in Norfolk on social deprivation and related issues;
  - iii. The general picture shows Norfolk and, in particular, Norwich to be far from the socially affluent and stable community often commonly perceived, a picture that is believed to have worsened since the financial crash of 2008;
  - iv. Wider studies have reinforced the links between social deprivation and gambling-related harm.

### 3. Existing Gambling Establishments

- a. While there are no less than thirty-two machine-gaming establishments within Norwich's licensing district, the following are in close proximity to the application site, within the city centre:
  - i. William Hill (Betting Premises) 19 St Stephens Street;
  - ii. Jennings Bet (Betting Premises) 5A St Stephens Street;
  - iii. Paddy Power (Betting Premises) 15 Orford Place;
  - iv. Ladbrokes (Betting Premises) 12-12A White Lion Street;
  - v. Betfred (Betting Premises) 7 White Lion Street;
  - vi. Cashino (AGC Premises) Old Post Office Court;
  - vii. William Hill (Betting Premises) 7 Castle Street;
  - viii. Betfred (Betting Premises) 68-72 London Street;
  - ix. Coral (Betting Premises) 45-53 Prince of Wales Road.
- b. The above sites provide circa 77 gaming machines, the vast majority comprising those in category B2 and B3 which offer prizes of up to £500. Were this application to succeed, there would be three machine-gaming establishments within sixty meters of one another and eight within four hundred meters. More significantly, the proposed site would accommodate some 90 - 100 gaming machines representing a 130 % increase in the number of gaming machines within the parameter of the above listed sites. The LA has no power to restrict the number of machines on the grant of an AGC Premises License<sup>10</sup>.

<sup>9</sup> The GC consulted on this subject in 2015 and, inter alia, introduced the need for Local Area Risk Assessments, as a result.

<sup>10</sup> Paragraph 16.9 of the GLA: "Neither the Commission nor licensing authorities have the power to set different limits or further expand or restrict the categories of machine that are permitted."



- c. The relevance to the Licensing Objectives of the number of gambling (specifically machine-gaming) establishments in a given area stems from the propensity of a concentration of such establishments to stimulate gambling, particularly through competitive promotions, in turn inevitably stimulating the propensity of machine-players, including the 'vulnerable', to increase their machine-gambling. The applicant is known for its active and effective promotions. Green J noted this risk in the Gibraltar case (see footnote 8, above).

## The Nature of the AGC Use

### 1. The applicant's modus operandi

- a. The applicant company is one of which I was formally a director before its sale some three years ago to Novomatics, a very large Austrian machine-gaming company which has since further expanded at a fast pace by acquisition rather than 'green-field' development. Nevertheless, its modus operandi is substantially similar to that which existed, under the same day-to-day operational management, at the time of the Novomatic acquisition.
  - b. Understandably (and neither I nor my client criticize the approach), the applicant maximizes machine revenues at its sites by: investing in the latest gaming machines; installing the maximum possible numbers of B3 machines (those with the highest stakes (£2) and prizes (£500) permitted in AGC's); by preferring the most accessible locations (this site is on a primary shopping frontage in Norwich city centre); and by operating the full panoply of promotions (including those relying on unsolicited email contact), loyalty schemes and rewards necessary to attract the largest possible number of the highest spending players.
  - c. It is understood that the applicant intends to trade '24 hours'. After normal shopping hours, the customer profile is likely to tilt towards a greater preponderance of men. Earlier in the day, though the profile of those attracted to the applicant's sites varies to some extent across the country (as does that of my client's customers), I would expect the profile of customers in Norwich to be split roughly 50/50 between men and women with the age of customers ranging from those in their early 20's to those in their middle to late years.
  - d. As Green J suggested in the Gibraltar Case and is anyway a matter of common sense, competition in the gaming context has particular consequences: "... the presence of...
-

*competition in the very specific market of games of chance, that is to say, between several operators authorised to run the same games of chance, is liable to have detrimental effects, owing to the fact that those operators would be led to compete with each other in inventiveness to make what they offer more attractive than what their competitors offer, and thereby to increase consumers' expenditure on gaming and the risks of their addiction."*

## 2. The overlap between AGC's & Betting Premises

- a. Before 1999, betting shops could not install gaming machines. Their initial ability to do was at first incidental but in the years immediately before the passing and implementation of the Act and inexorably since then, gaming machines have become an indispensable component of betting premises such that the overlap in operation between betting premises and AGC's is now indisputable. According to Landman Economics, commissioned by the Campaign for Fairer Gambling to conduct a research project on the economic impact of Fixed Odds Betting Terminals (FOBTs) in betting shops, *"In 2011/12 FOBT gambling overtook traditional Over-the-Counter (OTC) betting as the main source of revenue from betting shops for the first time. Currently gross revenue from FOBTs is growing at around 7% per year in real terms"*<sup>11</sup>. That trend is believed to have continued.
- b. While betting shops can install only four gaming machines (including B2 machines famous as the 'crack-cocaine' of gambling), those machines usually offer customers the chance to 'trade-up or down' by moving from, say, a B2-type game to a B3-type game. Thus, betting shops in effect can offer the same types of game as can an AGC but, in B2 format, the maximum stakes are potentially higher (up to £100 per spin, though this is under review).
- c. Customers keen on higher stakes and prizes thus often move between one set of premises and another, including between betting shops and AGC's. Specifically in Norwich, my client confirms that a substantial proportion of its customers also frequent the city's betting shops to play machines.
- d. In simple terms, the use of gaming machines, whether in AGC's or betting premises gives rise to the same licensing objective concerns with a significant proportion of 'punters' often migrating between the two types of venue.

## 3. Documents supporting the application - The Local Gambling Risk Assessment

<sup>11</sup> The Economic Impact of Fixed Odds Betting Terminals A report by Howard Reed (Director, Landman Economics) April 2013

- a. This document is based on a format produced by the AGC industry's trade association, BACTA. As is apparent in this case, operators using the format tend to 'fill-in the blanks', adjusting what is in essence a standard document for a particular site by changing the address.
- b. The obligation to produce 'risk assessments' in support of new applications was introduced, with effect from April 2016 as a result of changes to the LCCP following a GC consultation, the previous year, entitled "Strengthening Social Responsibility".
- c. Per, Social Responsibility Code Provision 10.1.1 (which has the force of law): "*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 [emphasis added].*"
- d. In this case:
  - i. The 'Local Area and Site Profile' is anodyne and, with slight inflection, could apply to most city centre locations. With two very proximate betting shops and many more machine-gaming establishments within easy walking distance, the profile somewhat underplays the number of competing premises;
  - ii. The 'venue' is similarly rather larger than the description 'medium sized' suggests – it will accommodate, by my client's reckoning, some 90 – 100 machines. By most operators' criteria, that is a fairly large site and would represent a 130% increase in provision in the vicinity;
  - iii. While it asserts that there are "*no known local problems with crime or anti-social behavior linked to gambling*", it is apparent that the applicant has failed to carry out appropriate investigations, properly or at all in order to substantiate that conclusion;
  - iv. Further, the risk assessment is wholly deficient in two respects: (1) it states, incorrectly: "*The local authority does not have a statement of principles in relation to the Gambling Act 2005 so it could not be considered in completion of this assessment.*" As the applicant was unaware of the SoP, it is unlikely to have taken "*relevant matters*" identified in the SoP into account, putting it in breach of SRC provision 10.1.1 (see further below); and (2) while the Local Area and Site Profile does, at least, refer to "*crime or anti-social behavior*" and to the risks of "*young people*" entering the premises, nowhere does that profile even mention "*vulnerable persons*". As such, it is plain that the applicant has given no material consideration to particular local concerns relating to that category of potential customers;
  - v. While the table of 'Risk Identification', 'Level of Risk', 'Impact' and 'Risk Management' contains the broad, non-site-specific information and procedures routinely covered by all responsible operators at all sites, the material is inevitably deficient if it does not address the local risks that can only be considered if the 'Local Area and Site Profile' is

comprehensive: here, it is certainly not<sup>12</sup>.

## Objection

In summary, my client objects to the application and invites its refusal on the following grounds:

1. The applicant's risk assessment is deficient and in breach of SRC provision 10.1. On that basis alone the application cannot be said to be in accordance with the GLA and, applying its stricture at paragraph 5.20, the LA "may not" grant the application. That position is enforced by the applicant's failure to consider the SoP of which it is evidently unaware;
2. As a risk assessment is now required as an indispensable part of an application of this sort and is of obvious interest to 'third parties' entitled to make representations in respect of the application, it is not open to an applicant to materially amend that risk assessment between the date of the application and its determination: to do so would potentially undermine the ability of 'third parties' to properly scrutinize the application. Accordingly, if the applicant's risk assessment needs updating or altering, the proper course is for the application to be withdrawn and for a new application to be lodged accompanied by a proper risk assessment. Otherwise, the application should be refused;
3. A proper assessment of specifically local risks raises concerns that the grant of the application would harm vulnerable persons. As such, the LA may conclude that the application's grant would conflict with the third Licensing Objective. In conflicting with the third Licensing Objective, the application would then also necessarily be refused. It is significant that the level of risk to vulnerable persons associated with gambling has not reduced since the Act was implemented in 2007, notwithstanding the plethora of steps taken by regulators and operators alike. That factor supports the view that neither the imposition of conditions nor the operational precautions set out in the risk assessment, worthy though they are, would materially address the risk of gambling-related harm were the application to be granted<sup>13</sup>.
4. It is for the committee at the forthcoming hearing to use its members' local knowledge in considering those concerns. My client does not seek to argue for any specific conclusion on the issue but it is submitted that the LA should proceed with considerable caution noting the age of the SoP and the fact that, since it was prepared, the focus on "Strengthening Social Responsibility" and the consideration of the interests of vulnerable persons has substantially increased, both locally and nationally<sup>14</sup>. Even

<sup>12</sup> Plainly, it is not for a third party making a representation to do the applicant's job of assessing the local risks of its application and my client reserves the right to comment further on any additional material or submissions advanced by the applicant ahead of or at the hearing, purporting to assess or address such risks. An adjournment of the hearing may be necessary if sufficient notice of additional material has not been given

<sup>13</sup> The Act prohibits conditions limiting the number of gaming machines in AGC's, one solution that might otherwise have been considered.

<sup>14</sup> As the SoP, itself, states: *This Statement of Principles has been drafted at a time when a number of regulations, Operating/Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.*

before that increased focus and specifically in relation to the licensing of AGC's, the SoP emphasized:  
*"The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling..."*

For those reasons, my client invites the refusal of the application.

I look forward to conferring with officers as to dates, timings and procedure for the hearing.

Yours faithfully,

A large rectangular area of the document is redacted with a solid yellow box, obscuring the signature and any text that might have been present.

DH Biesterfeld

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**Bennett, Rachel**

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**From:** Michele Paton  
**Sent:** 25 September 2017 21:02  
**To:** LICENSING; Cllr Carlo, Denise; Cllr Malik, Hugo; clive.lewis@parliament.uk  
**Subject:** OBJECTION TO :Admiral, 20A - 22 St Stephens Street, NR1 3SA (for an Adult Gaming Centre Premises Licence)

Dear Sirs,

I am not sure that the email I sent you objecting to the Admiral Gaming Centre got through in its entirety. I strongly believe that this establishment should not be granted a license on all four grounds you list. I also wish to draw your attention to other councils and local authorities around the country that are trying to remove such establishments from their communities, or trying to limit the very real damage they do to individuals and the community by greatly reducing the amounts that can be bet at any one time. For example, Liverpool has been trying to control the problem places like Admiral create since 2015. In August, the Guardian newspaper ran an article discussing the problem places like Admiral's proposed 'gaming' centre create, indicating that there are at least two million problem gamblers associated with them, as has the Independent. Just put fixed odds betting council seeking control into your search engine to see how universally recognised a danger such an establishment poses to the areas where they are allowed.

I do hope that Norwich City Council will refuse a license to an industry which creates addicts and brings misery to families, public nuisance, crime and disorder and is a moral hazard to the many children and young people who frequent St Stephens as well as attend Notre Dame High School, the Free School Norwich, Bignold Primary and City College, Norwich. The form of gambling that Admiral profits from create addicts; the gambling addiction is not an unforeseen or unfortunate consequence, it is the intention; it's the way it works and is designed to work.

Please do not allow this establishment to create problems for the city, its citizens, the police and eventually the council to then have to try to solve; by then it will be too late and too much misery will have been caused, misery which costs everybody an unacceptable social, as well as financial, cost.

yours sincerely

Michele Paton







**Fuller, Maxine**

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**From:** Michele Paton  
**Sent:** 22 September 2017 20:08  
**To:** LICENSING  
**Subject:** OBJECTION TO LICENSING APPLICATION FOR ADULT GAMING CENTRE, 20-22 St Stephens, NR1 3SA

**Norwich City Council Licensing Authority**

**Licensing Act 2003**

**Statement of support or objection to  
an application for a premises licence**

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Michele Paton
<b>Postal address</b>	52 College Road Norwich NR2 3JL
<b>Email address</b>	
<b>Contact telephone number</b>	

<b>Name of the premises you wish to support or object to</b>	Admiral Adult Gaming Centre
<b>Address of the premises you wish to support or object to.</b>	20A-22 St Stephens NR1 3SA

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

<b>Licensing Objective</b>	<b><i>Please set out your support or objections below.</i></b>
	<b><i>Please use separate sheets if necessary</i></b>
<b>To prevent crime and disorder</b>	I OBJECT to this application on the grounds that very late night gambling will bring crime and disorder to the area and further increase the crime and disorder in the city centre as a whole.
<b>Public safety</b>	I also OBJECT because I believe it will endanger public safety to people going to the theatre and other people including residents and students that live in the area. The late hours will endanger

	public safety.
<b>To prevent public nuisance</b>	I OBJECT because increased gambling brings nuisance with it and the tanning salon is also going to bring public nuisance, especially till two AM
<b>To protect children from harm</b>	I OBJECT most strongly on the grounds that children are harmed by addictive gambling, families bread up gambling causes, and are thrust into poverty. Also, young people are likely to be attracted and, even when they are legally 'adult', are not really fully mature; research shows the brain remains adolescent until the mid 20s. Norwich does not need more gambling, nor more very late night activity; it needs less.

<b>Please suggest any conditions which would alleviate your concerns.</b>	None
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Signed: Date: Michele Paton

Please see notes below



Norwich City Council Licensing Authority  
Gambling Act 2005

Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	MALTHOUSE FURNITURE
Postal address	1, MALTHOUSE LANE, NORWICH - NR2 1SR
Email address	[REDACTED]
Contact telephone number	[REDACTED]
Name of the premises you wish to support or object to	<del>20A</del> ADMIRAL
Address of the premises you wish to support or object to.	20A - 22 ST. STEPHENS STREET, NORWICH - NR1 3SA

Your support or objection must relate to one of the three Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime.	UNAPPROPRIATE FOR A FAMILY SHOPPING STREET AND AREA
Ensuring that gambling is conducted in a fair and open way	[REDACTED]
Protecting children and other vulnerable persons being harmed or exploited by gambling	STOPPING COMPANIES HOOKING PEOPLE TO ENCOURAGE GAMBLING ADDICTIONS.



Please suggest any conditions which would alleviate your concerns.	TURNING DOWN THE REQUEST.
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Signed: [REDACTED]

Date: 24th September 2017.

Please see notes on reverse

## NOTES

1. In order for you to be able to support or object to an application for a Premises Licence you must a) live sufficiently close to the premises to be likely to be affected by the authorised activities, b) have business interests that might be affected by the authorised activities, or c) represent persons in either of these two groups.
2. Comments of support or objection must relate to the three licensing objectives, which are:-
  - Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime;
  - Ensuring the gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. An application for a Premises Licence will be notified to residents by displaying it on the premises and in the local press. Comments in support or objection must be made within 28 days of the date given in the public notice.
4. If you have made valid comments of support or objection you will be expected to attend a meeting of the Authority's Licensing Sub-Committee and any subsequent appeal proceeding. If you do not attend, the Sub-Committee will still consider your comments, but they may not carry the same weight as if you had attended if, for example, the contents are disputed or challenged.
5. Your comments of support or objection will be passed to the applicant to allow them the opportunity to address your concerns in line with the Gambling Act 2005. Your comments will also be published in the report to the Licensing Sub-Committee, which is publicly available and displayed on the City Council's website.
6. Please return this form when completed to:

Norwich City Council  
Licensing Section  
City Hall  
St Peter's Street  
Norwich  
NR2 1NH

Tel: 01603 212761 / 212760  
Email: [licensing@norwich.gov.uk](mailto:licensing@norwich.gov.uk)



29.9.17



THE LICENSING AUTHORITY  
PUBLIC PROTECTION (LICENSING)  
CITY WIDE SERVICES  
NORWICH CITY COUNCIL  
ST PATRICKS STREET  
NORWICH NR2 1HT

Dear Sirs

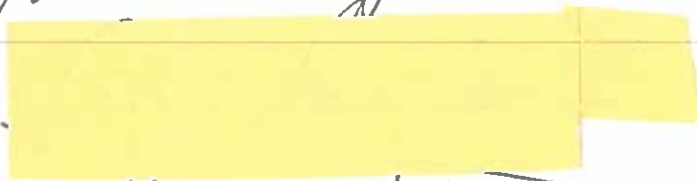
Re Proposed Amusement Arcade (Adult gaming centre) Application by Luxury Leisure for an adult gaming centre premises license @ 20A-22 ST Stephens Street Norwich NR1 3SA.

I repeat again that I am dismayed at the prospect of permission being given for an adult gaming centre and gaming salon.

These proposals should not be condoned because of their potential for addiction. Has no one been listening to the news or reading in the press of the problems relating in particular to gambling.

I repeat I am against the application

Yours truly







**NORWICH**  
City Council

CORPORATE RESOURCE

02 OCT 2017

POST ROOM

# Norwich City Council Licensing Authority Licensing Act 2003

## Statement of support or objection to an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	
Postal address	
Email address	
Contact telephone number	

Mr. N. P. BACKHOUSE

Apt 9, Westlegate Tower  
14-18, Westlegate, Norwich NR1 3LJ.

Name of the premises you wish to support or object to	
Address of the premises you wish to support or object to	

Admiral

20A-22, St Stephens Norwich NR1 3SA

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	✓
To protect children from harm	



See attachment

Please suggest any conditions which would alleviate your concerns.	
--	--

Restricted opening/closing hours  
not earlier than 9am opening &  
no later than 11pm closing.

Signed:

Date:

28/9/2017.

Please see notes below

NOTES





Objection re 'Prevent Public Nuisance'

Operating times should be restricted to opening no earlier than 9am and closing no later than 11pm because staying open later than 11pm :-

1. Will create opportunities for public nuisance in the area as customers leave the 'adult gaming' club, especially affecting the well-being of students who will be living in the accommodation proposed for the Aviva Towers which are located opposite the Admiral site.
2. Will be another example of the late night economy spreading away from the Prince of Wales Road area and into other parts of the city which NCC policy is trying to prevent.
3. Many other Admiral sites ( eg Exeter and Nottingham) have operational times which are 9am to 11pm.







Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development  
26 SEP 2017  
Post Room

Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	Helen Shaw
Postal address	11 Salter Avenue Norwich NR4 7LX
Email address	[redacted]@gmail.com
Contact telephone number	[redacted]
Name of the premises you wish to support or object to	Admiral Adult Gaming Centre
Address of the premises you wish to support or object to.	20A-22 St Stephens Norwich NR1 2SA

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder ✓	I am concerned about the proliferation of threats and intimidation in order to obtain money. This occurs in the city centre and, of late, in nearby areas. Gaming is gambling: gambling is addictive: addicts are desperate people. I want to feel safe in my city, not go in fear of yet more desperate people demanding money with menaces.
Public safety ✓	
To prevent public nuisance ✓	
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Either pour a lot more money into the Police Force, or refuse the application.
--	--

Signed: [redacted]

Date:

24.9.17

Please see notes below



A further representation was received from the resident of 25 Connaught Road, NR2 3BP detailing their concern regarding the licensing of the establishment. In particular that it should be a member only venue in order that you cannot go in on a whim and gamble.

This representation will be considered by committee members but is exempt from publication because it discloses information relating to an individual as in paragraph 1 of Schedule 12A to the Local Government Act 1972.

10.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **Gambling Commission - Guidance to licensing authorities 5<sup>th</sup> edition, September 2015** (updated Sept 2016)

### **Part 5: Principles to be applied by licensing authorities** **Licensing objectives**

**5.1** In exercising their functions under the Act, particularly in relation to premises licences, temporary use notices and some permits, licensing authorities must have regard to the licensing objectives set out in s.1 of the Act, namely:

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

**5.2** It is expected that the licensing authority will have set out their approach to regulation in their statement of policy, having taken into account local circumstances. This is dealt with in more detail at Part 6.

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

**5.3** Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. For example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the licensing authority should think about what, if any, controls might be appropriate to prevent those premises being associated with or used to support crime. That might include conditions on the premises licence, such as a requirement for door supervisors. The requirement for conditions might be determined by the operator's own risk assessment or the local area profile carried out by the licensing authority, as detailed in Part 6.

**5.4** A licensing authority will need to consider questions raised by the location of gambling premises when:

- formulating its statement of licensing policy
- receiving relevant representations to an application
- dealing with applications as a responsible authority in its own right
- considering applications before it.

**5.5** In the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.

**5.6** Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. However, if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.

**5.7** Of course, licensing authorities are experienced in making judgements in relation to the suitability of premises, particularly those for which they have responsibilities under the Licensing Act 2003 / Licensing (Scotland) Act 2005, in which context they have wider powers to also take into account measures to prevent nuisance.

**5.8** In relation to preventing disorder, licensing authorities have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act. If a person employed on door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence. Further information on conditions on premises licences can be found in Part 9 of this Guidance.

**5.9** There are a number of voluntary initiatives that the gambling industry participates in to address issues such as underage access, staff safety and security. These change from time to time and licensing authorities are advised to check with local operators, for example when conducting inspections, as to which (if any) scheme the operator is a part of. Further information can often be found on the website of industry trade associations<sup>5</sup>.

**5.10** Licensing authorities do not need to investigate the suitability of an applicant for a premises licence, including in relation to crime. The issue of suitability will already have been considered by the Commission, because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued. However, if the licensing authority receives information during the course of considering a premises licence application or at any other time, that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.

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

**5.11** Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. However, if licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.

**5.12** In relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Further information can be found in Part 20 of this Guidance.



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

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

**5.14** Where a licensing authority considers the structure or layout of premises to be an inhibition or potential inhibition to satisfying this licensing objective, the licensee should consider what changes are required to ensure the risk is mitigated. Such changes might include the positioning of staff or CCTV, the use of floor-walkers and the relocation of the staff counter to enable direct line of sight. Licensing authorities will need to consider the proportionality of changes to the physical layout in relation to other measures that could be put in place.

**5.15** If the operator fails to satisfy the licensing authority that the risks are sufficiently mitigated, it may be appropriate to conduct a review of the premises licence.

**5.16** In relation to casinos, the Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by s.176 of the Act. The code of practice is available as part of the *Licence Conditions and Codes of Practice* (LCCP) In accordance with s.176 of the Act, adherence to the code will be a condition of the premises licence. Further information can be found in Parts 9 and 17 of this Guidance.

**5.17** The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons' but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.

**5.18** Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk that is reflected in the licensing authority's statement of policy. Any such considerations need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

### **S.153 principles**

**5.19** S.153 of the Act provides that, in exercising its functions under Part 8 of the Act, a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:

- a. in accordance with any relevant code of practice under s.24 (ie the LCCP)

- b. in accordance with any relevant guidance issued by the Commission under s.25 (ie this Guidance)
- c. reasonably consistent with the licensing objectives (subject to a and b above), and
- d. in accordance with the licensing authority's statement of licensing policy (subject to a to c above).

**5.20** Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with this Guidance, any relevant Commission code of practice, its own statement of policy, and the licensing objectives.

**5.21** In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or this Guidance, and its own statement of policy or view as to the application of the licensing objectives, the structure of s.153 makes it clear that the Commission's codes and this Guidance take precedence.

**5.22** In determining applications for premises licences, the Act explicitly sets out two principles that licensing authorities should **not** have regard to:

- s.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application
- s.210 (1) of the Act states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.

**5.23** A licensing authority is therefore afforded significant scope to exercise its powers under s.153 on the grounds that it does not encroach on the two principles set out above.

**5.24** The requirements in s.153 are subject to the licensing authority's power under s.166 to resolve not to issue casino premises licences. This means that a resolution not to issue a casino premises licence applies regardless of the matters set out in s.153.

## **Codes of Practice**

**5.25** The LCCP sets out the Commission's general licence conditions and associated codes of practice provisions under the Act. The codes of practice are set out within Part II of the LCCP.

**5.26** To assist licensing authorities in determining premises applications and inspecting premises, all the codes of practice are also available as a single document. The codes specify a number of requirements, many of which relate to social responsibility issues and these may be of particular interest where a licensing authority has concern about matters such as protection of the young and vulnerable. It should be noted that the codes also apply to situations in which the gambling being offered is not normally the responsibility of an operating licence holder. Examples include the *Code of practice for equal chance gaming* and the *Code for gaming machines in clubs and premises with an alcohol licence*.

## **Good practice in regulation**

**5.27** Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation<sup>6</sup> in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed. The Commission has regard to these principles in relation to its responsibilities and also has regard to the requirements of the Regulators' Code<sup>7</sup>. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

**5.28** The statutory principles of good regulation and the Regulators' Code also apply to local authorities, who are under a statutory duty to have regard to them when fulfilling their regulatory functions under the Act.

**5.29** Guidance produced by Regulatory Delivery seeks to assist local authorities in interpreting the requirements of the Regulators' Code, for example in developing their Enforcement Policy, and in delivering risk-based regulation in relation to age restrictions.

## **Human Rights Act 1998**

**5.30** The Secretary of State has certified that the Act is compatible with the European Convention on Human Rights. In considering applications, and taking enforcement action under the Act, licensing authorities should bear in mind that they are subject to the Human Rights Act 1998 and in particular:

- Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest
- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life
- Article 10 – right to freedom of expression.

## **Other considerations**

**5.31** Licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

**5.32** In determining applications for premises licences and permits, a licensing authority may request as much information as it requires to satisfy itself that all the requirements set out at s.153 of the Act are met.

**5.33** Where concerns remain, licensing authorities may choose to attach conditions to the premises licence. Further details are provided in Part 9.

**5.34** Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision

cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

## **Part 9: Premises licence conditions**

**9.1** The Act provides that licences may be subject to conditions in a number of ways:

- they may attach automatically, having been set out on the face of the Act
- they may attach through regulations made by the Secretary of State or Scottish Ministers
- they may be attached to operating and personal licences by the Commission
- they may be attached to premises licences by licensing authorities.

**9.2** Conditions may sometimes be general in nature attaching to all licences or all licences of a particular class, or they may be specific to a particular licence.

**9.3** Conditions on premises licences should relate only to gambling, as considered appropriate in the light of the principles to be applied by licensing authorities under s.153. Accordingly, if the Commission's *Licence Conditions and Codes of Practice* (LCCP) or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not appropriate to impose the same through conditions on a premises licence.

### **Conditions and authorisations by virtue of the Act**

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

#### **S.178 – door supervision**

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

**9.15** S.178 defines door supervision as requiring someone to be responsible for 'guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage'.

#### **S.183 – Christmas day**

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

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

**9.19** The Secretary of State and Scottish Ministers have set out conditions to be attached to all premises licences in the Gambling Act 2005 (Mandatory and Default Conditions) (England and

Wales) Regulations 2007 and the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007.

**9.20** Conditions under these Regulations fall into two categories:

- mandatory conditions made under s.167 of the Act that must be attached to premises licences
- default conditions made under s.168 of the Act, that attach to the premises licence unless the licensing authority decides to exclude them, using its powers under s.169.

**9.21** Licensing authorities should note that mandatory conditions made under these regulations are set with the intention that no further regulation in relation to that matter is required. Therefore, it is extremely unlikely that licensing authorities will need to impose individual conditions in relation to matters that are already dealt with by mandatory conditions. Licensing authorities should only consider doing so where there are regulatory concerns of an exceptional nature, and any additional licence conditions must relate to the licensing objectives.

**9.22** Mandatory conditions applying to all premises licences are set out at paragraph 9.25 onwards. In addition, there are mandatory conditions that relate to particular category of premises licences. Details of these can be found in Parts 17-22 of this Guidance.

**9.23** Licensing authorities have more flexibility in relation to default conditions and may exclude a default condition and substitute it with one that is either more or less restrictive. Licensing authorities should note, however, that default conditions are intended to reflect normal industry operating practices. In circumstances where default conditions are excluded, the Commission would generally expect them to be replaced by other conditions, given the requirements of s.153. Where the condition is more restrictive, the licensing authority should ensure that they have clear regulatory reasons doing so.

**9.24** Default conditions under the regulations set out above relate to particular categories of premises licence and details can be found in Parts 17-22 of this Guidance.

## **Mandatory conditions**

**9.25** The following mandatory conditions apply to all premises licences:

- the summary of the terms and conditions of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises
- the layout of the premises must be maintained in accordance with the plan that forms part of the premises licence
- neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises.

**9.26** There are also mandatory conditions attaching to each type of premises licence controlling access between premises. There can be no direct access between one premises licensed under the Act and another premises licensed under the Act, with the following exceptions:

- between licensed betting premises
- between bingo premises and alcohol-licensed premises/clubs with a club gaming or club machine permit/family entertainment centres (FECs) and tracks
- between tracks and alcohol-licensed premises/clubs with a club gaming or club machine permit/FECs/betting premises and bingo premises
- between FECs and alcohol-licensed premises/bingo halls/clubs with club gaming or club machine permit and tracks.

## **Default conditions**

**9.27** S.169 of the Act gives licensing authorities:

- the ability to exclude from premises licences any default conditions that have been imposed under s.168

- the power to impose conditions on premises licences that they issue.

**9.28** Licensing authorities should make decisions on conditions on a case-by-case basis, and in the context of the principles of s.153. They must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and this Guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

**9.29** Licensing authority statements of policy will need to consider the local circumstances which might give rise to the need for conditions. Where there are specific risks associated with a particular locality, the licensing authority might decide to attach conditions to the premises licence to mitigate those risks. For example, local issues associated with a high crime rate may put a premises at risk of not being consistent with the licensing objectives, and specific conditions may be necessary to address the risk.

**9.30** Where there are risks associated with a specific premises or class or premises, the licensing authority may consider it necessary to attach conditions to the licence to address those risks, taking account of the local circumstances.

**9.31** Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises (including the locality and any identified local risks) and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects.

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

**9.32** The Act sets out certain matters that may not be the subject of conditions:

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

## **Part 21: Adult gaming centres**

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

## **Protection of children and young persons**

**21.2** No-one under the age of 18 is permitted to enter an AGC. The Act sets out offences at s.46 and s.47 of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. In addition, Social Responsibility (SR) code 3.2.3(3) in the *Licence Conditions and Codes of Practice* (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling.

**21.3** Licensing authorities will wish to have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. This may be of particular importance in areas where young people may be unsupervised for example, where an AGC is in a complex, such as a shopping centre or airport. Licensing authorities should consider whether their statement of policy can be used to reflect such locally based considerations.

## **Gaming machines**

**21.4** Gaming machine provisions by premises are set out at Appendix A. S.172(1) of the Act, as amended, provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.

**21.5** Premises subject to a licence granted before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. AGC premises licences granted on or after 13 July 2011 are entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines, but not B3A machines.

**21.6** Where the operator of an existing AGC premises licence applies to vary the licence and acquire additional AGC premises licences – so that the area that was the subject of a single licence will become divided between a number of separate licensed premises – each separate licensed premises must only contain the permitted machine entitlement. For example, where two separate AGC premises have been created adjacent to each other by splitting a pre-existing premises, it is not permissible to locate eight category B3 gaming machines in one of the resulting premises and none in the other, as the gaming machine entitlement for that premises would be exceeded. Part 7 explains in greater detail what constitutes premises.

## **AGC premises licence conditions**

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

## **Mandatory conditions**

**21.8** A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.

**21.9** There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit. There is no definition of 'direct access' in the Act or regulations, although licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.

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

**21.11** The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

## **Gambling Commission – Licence conditions and codes of practice (LCCP), January 2017**

### **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.