

APPLICANT: HOLLYWOOD SLOTS UK LIMITED

PREMISES: HOLLYWOOD SLOTS 71 TORBAY ROAD PAIGNTON

APPLICANT'S ADDITIONAL INFORMATION

Introduction

This document has been prepared on behalf of Hollywood Slots UK Limited in support of its application made under the Gambling Act 2005 ("the Act") for an Adult Gaming Centre (AGC) premises licence for 71 Torbay Road Paignton.

The application was submitted by email on 19 June 2026 and included:

- a copy of the site plan,
- evidence of a right to occupy; and
- a detailed Local Area Risk Assessment (LARA)

Representation have been received from the Licensing Authority and Public Health **who are not** a Responsible Authority (Guidance to Licensing Authorities para 6.4) and which this document is intended to address.

The Applicant

Hollywood Slots UK Limited is a small independent business that holds an Operating Licence (ref **056949**) granted by the Gambling Commission to operate AGCs in June 2020. It has operated 2 other sites, one in West Bay Dorset which was recently vacated at the end of the lease and at 77 Torbay Road Paignton. It is a member of Bacta the industry trade body which has its own rules and regulations including a voluntary ban on under 18s playing on low stake category D reel-based gaming machines. It conducts a legitimate business, contributing to the local and national economy, paying business rates, and taxes in many forms.

The Applicant was required to submit a copy of its policies and procedures with its application for an Operating Licence demonstrating how it will promote the Licensing Objectives set out in the Gambling Act 2005. These were approved by the Gambling Commission when considering its decision to grant the company an Operating Licence and have been updated as necessary to reflect changes in legislation and regulations. A copy of the latest version of the policies and procedures can be found at **Annex A**.

The Premises

The premises are located on the approach to the shoreline in Paignton, a tourist destination with a population of approximately 134,000 rising to 200,000 in the summer months and has approximately 1.45 million staying visitors plus 3.8-million-day visitors, generating a direct and indirect spend of £442 million per annum.

Paignton is similar to many other coastal towns with a number of arcades offering visitors and locals the opportunity to spend time and some of their money. These arcades are very different to the high street arcades seen in many towns and cities.

The proposed premises are intended to be a tourist attraction featuring retro gaming machines some more than 100 years old. Machines on offer will include:

- Approximately 20- 30 vintage (legacy) machines from the 1920 onwards (as shown in image below)
- A room full of low stake retro category D gaming machines with a maximum £5 payout from the 1980 onwards
- A varied mix of retro category C reel-based games from 1980 onwards
- And 30 category B3 digital gaming machines with some being outside for vapours and smokers



This will provide visitors with a large variety of choice on stakes and prizes and the opportunity to play on very old mechanical vintage machines with stakes as low as 2p.

There will not be having any tablets as the Applicant considers them to be expensive and otiose as they are not played by members of the public.

Once ready to trade the business will employ 10 people in total and contribute to the local and national economy through rates and taxes in the form of:

- Business rates
- PAYE for staff
- National Insurance
- Machine Gaming Duty at 20% of total gross profit
- VAT on non-gaming machine purchases
- Statutory levy at 0.2% of total gross profit
- Corporation Tax on net profits

The premises will be fitted with CCTV and the external cameras that will enhance the security of the immediate area particularly at night with late night surveillance in the area.

Types of Arcades

Amusement arcades are one of the most heavily regulated types of premises in mainland Britain.

Legally the following gaming machines can be made available in AGCs:-

- Category B3 maximum stake £2 maximum prize £500
- Category C – maximum stake £1, maximum prize £100
- Category D – maximum stake 10p maximum prize £5

Within the AGC an operator can offer unlimited category C and D machines but only 20% of the gaming machines can be category B3.

Licensed Family Entertainment Centres (FECs) can make category C and D gaming machines available, with the category C gaming machines located in an over 18s area with restricted access.

Unlicensed FECs can only make category D gaming machines available for play and usually these comprise of cranes and pushers.

It is important to note that although there are 8 AGC premises licences issued for Paignton they are located in only 4 sites. The reason for this is that when the Gambling Act was introduced in September 2007, Operators were limited to 4 category B3 gaming

machines within an AGC, and so in order to increase that numbers of B3 gaming machines that they could make available for play. This was a massive overnight change and so many Operators artificially divided their buildings into multiple AGCs each often with just 4 category B3 gaming machines. Many seaside operators also subdivided their premises so that they have an unlicensed FEC for children to play on the low stake cranes and pushers, and areas containing category C and B3 gaming machines for adults to play on in AGCs.

In 2011 the regulations changed so that only 20% of the gaming machines made available for play by an Operator could be category B3; the remainder had to be category C or category D. However grandfather rights were applied to those AGCs already in existence and the new rules only applied to Premises Licences granted after 13 July 2011. It is for that reason that Leisure 2000 at 81-89 Torbay Road has 5 mini AGCs granted in 2007 and 2008 and which skews and distorts the figures for the number of AGCs in Paignton and indeed for the entire Torbay area.

Industry Background

Prior to the introduction of the Gambling Act 2005 (The Act), a business simply needed a section 34e Permit issued by a licensing authority under the Gaming Act 1968 to operate an adult only arcade; it cost £250 and was valid for 3 years. There was little in the way of regulation and no talk of socially responsible gambling. The Act introduced a highly regulated regime requiring most businesses offering gambling facilities to hold an Operating Licence. The application process for an Operating Licence is costly; application fees are in excess of £1400 with annual fees in excess of £1500. The application fees for an AGC Premises Licence are capped at £2000 with annual fees capped at £1000.

Contrary to recent media reporting, the Gambling Commission's own data shows a decline in premises licensed under the Act. In 2011 there was a combined total of 12,462 licensed premises, by March 2024 that number had dropped across all sectors to a total of 8,329, with the largest declines seen in Betting and Arcade premises (fig 1).

Whilst there may have been an increase since 2022, this must be taken within the context of Covid when many premises shut and numbers dropped as low as 1,354 before recovering to 1,451, still well below the 2012 high of 2,247.

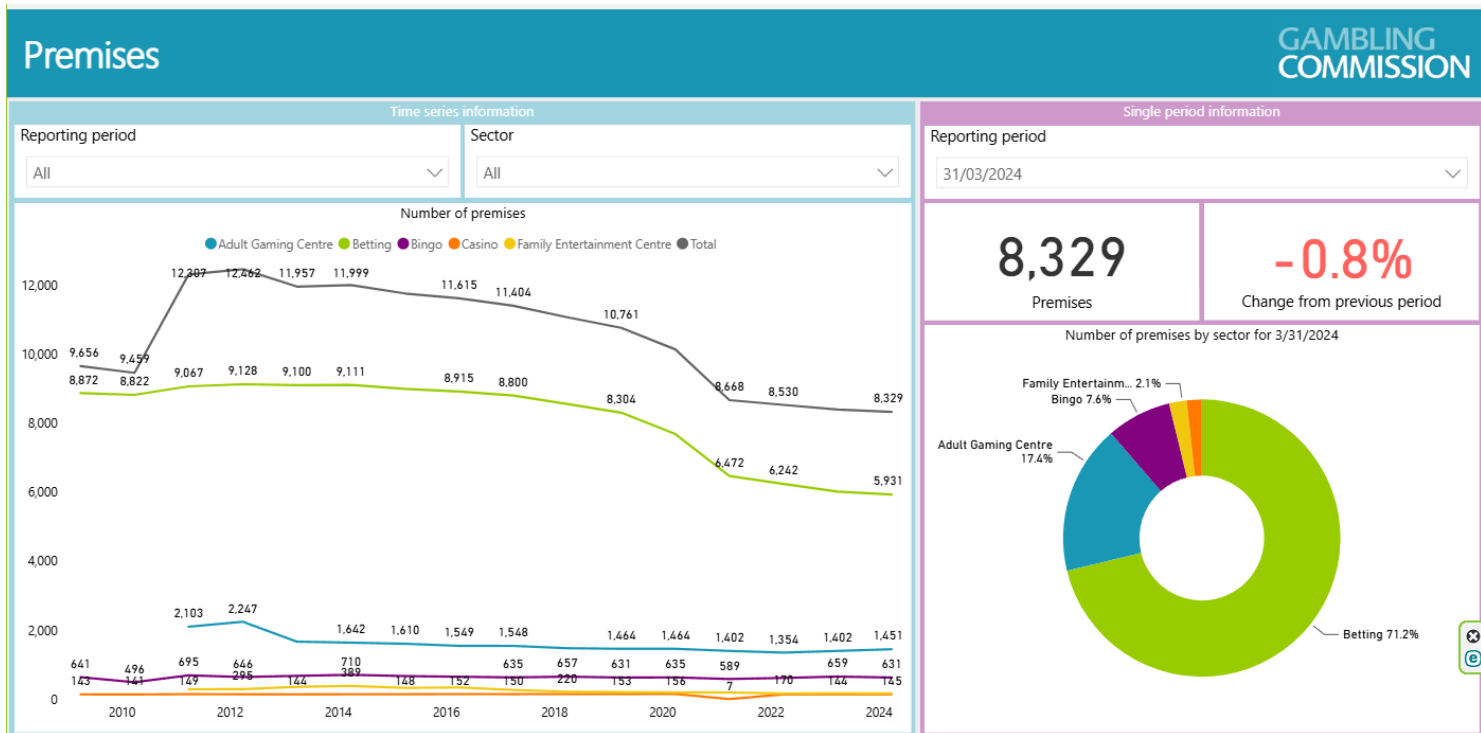


Fig 1 Number of gambling premises. Source: Gambling Industry Statistics April 2008 to March 2024 - Gambling Commission

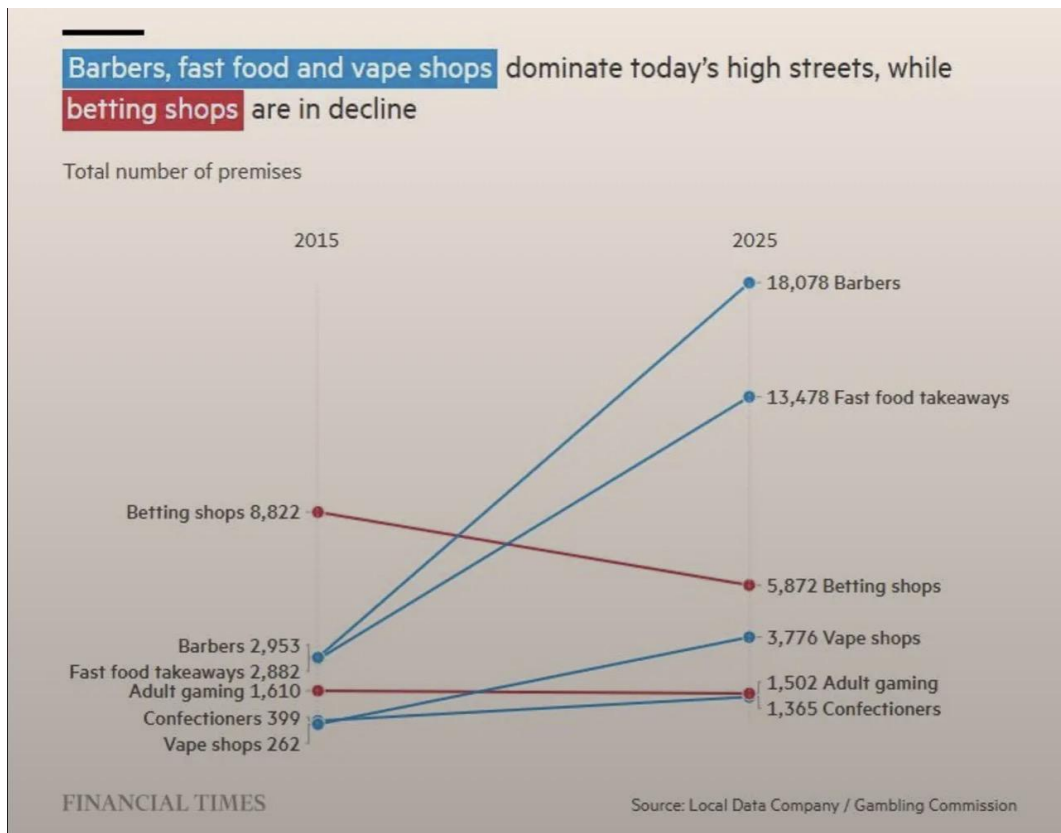


Fig 2 Financial Times August 2026

The Financial Times has also recently published data that contradicts the claims that gambling premises are dominating the high street, showing a decline in both betting shops and AGCs and a huge increase in Fast food takeaways and barbers.

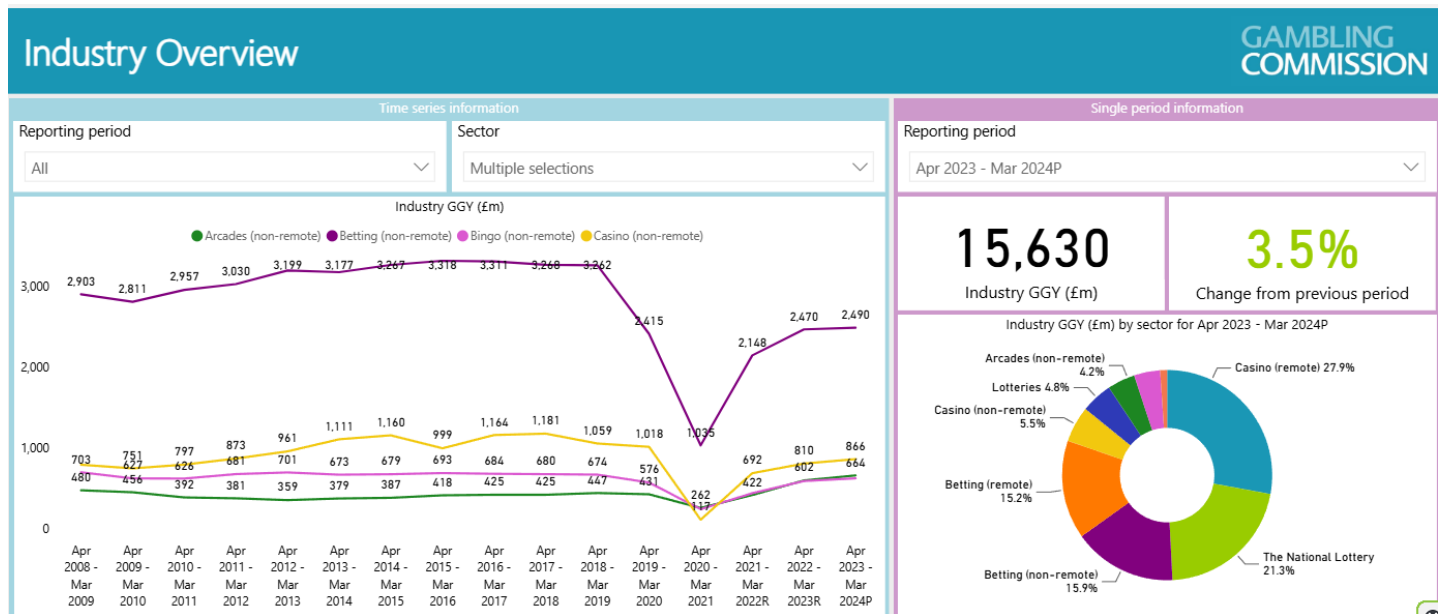


Fig 3 Gross Gambling Yield by premises. Source Gambling Industry Statistics April 2008 to March 2024 - Gambling Commission

It must also be noted that the total Gross Gambling Yield for land based gambling in the year 23/24 (£2490m) is still significantly below the 08/09 figures (£2903). Within the overall context of income derived from various forms of gambling, AGCs are among the lowest income generating sector at 4.2% of the total for the last reporting period (Fig 3)

Despite the decrease in premises, gambling creates local employment opportunities (circa 75,000 with 21% held by disabled people and nearly 40% by female workers [DCMS Employment data](#)); they provide economic benefits locally through business rates. For the vast majority who take part in visit gambling premises, gambling is their social interaction, their fun and enjoyment, and leisure time. Sometimes their 'only' leisure time and human interaction.

The Gambling Commission's latest data on participation rates (detailed below), sets out how and where people are gambling, highlighting the fact that lottery ticket purchases are by far the most popular gambling activity.

In June 2026 the Gambling Commission published its findings from [Gambling Survey for Great Britain for the period September 2025 to January 2026](#) where a nationally representative sample of 4,179 adults aged 18 and over responded to the survey sent to 25,850 addresses (18% response rate).

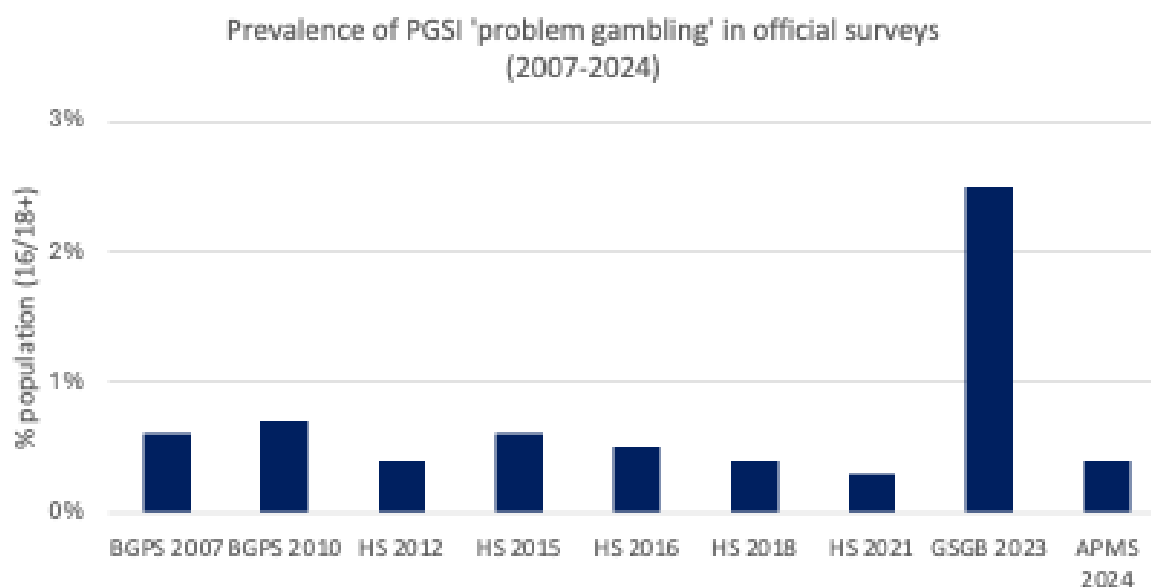
- Overall participation in any gambling activity was down from 48% in the previous report to 47% but remains stable.
- When those who only took part in a lottery draw are excluded from the overall gambling participation rate, gambling participation falls to 26% a continuing slow decline over recent reporting periods (27% and 28%).
- The in-person gambling participation rate was 27% and this falls to 17% when lottery draw only players are removed
- The most popular in person gambling activities were buying tickets for a National Lottery draw (15 percent), buying a scratchcard (12 percent) and buying tickets for another charity lottery draw in-person (6 percent). Following lottery draws and scratchcards, the next most popular in person activity was playing bingo at a venue and betting on sports and racing in person (both 3 percent).
- The online gambling participation rate was 37 percent, which falls to 15 percent when lottery draw only players are removed, highlighting the large proportion of online players that only gamble on lottery draws (whether online or in person). The most popular online gambling activities were buying tickets for a National Lottery draw online (25 percent), buying tickets for other charity lottery draws online (15 percent) and online instant win games (8 percent)
- Overall, 41 percent of people who reported gambling in the last 12 months felt positive about the last time they spent money gambling, followed by an additional 36 percent who felt neutral towards their last gambling experience..

The Commission's most recent official statistics about young people's exposure to and involvement in gambling, Young People and Gambling November 2025 collected data from pupils aged 11 – 17 years old and found:

- 30% of those surveyed had spent their own money on any gambling activity in the 12 months prior to completing the survey
- The most common types of gambling activity were legal and did not feature age restricted products, namely:
 - playing arcade gaming machines such as penny pusher or claw grab machines (21 percent)
 - placing a bet for money between friends or family (14 percent)
 - playing cards with friends or family for money (5 percent).

Problem gambling rates have remained the statistically stable for nearly 20 years. Since 2007 the Problem Gambling Severity Index (PGSI) has been used to estimate Great Britain's population prevalence of problem gambling. Data collected via the NHS Health Surveys showed rates were consistently in the range of 0.3%-0.7% over that period.

The Gambling Survey for Great Britain, conducted by the Gambling Commission (GSGB) first started collecting data in July 2023 and reported a rate of 2.5% - ten times higher than the figure reported in the NHS “Health Survey” for England in 2021. However serious concerns have been raised over the reliability of the GSGB number.



[BGPS – British Gambling Prevalence Survey \(National Centre for Social Research\)](#), [APMS - Adult Psychiatric Morbidity Study \(NHS\)](#), [Health Surveys \(NHS\)](#), [Telephone Surveys \(GC\)](#)

Professor Patrick Sturgis of the London School of Economics and Political Science was asked by the Gambling Commission to carry out an independent evaluation of the GSGB in 2024 ; he highlighted the risk that the GSGB substantially overstates rates of harmful gambling. As a result the Commission published guidance stating that ***the GSGB should not be used to calculate an overall rate of gambling related harms in Great Britain nor to gross up the prevalence of problem gambling or the consequences of gambling to whole population.***

In May 2025 the Office for Statistics Regulation’s (OSR) undertook a compliance review to assesses the GSGB statistics against the Code of Practice for Statistics.

The OSR’s 9 recommendations included that the Gambling Commission should:

- *clearly communicate to users within the statistical releases the potential biases that may affect the GSGB estimates, the possible impact of these, and Professor Sturgis’ conclusion regarding the risk that the statistics potentially overestimate some gambling behaviour; and*

- *do more to investigate the coherence and comparability of GSGB statistics with other relevant data, such as from the Health Survey for England and the Adult Psychiatric Morbidity Survey that will be published later in 2025 and communicate these findings to users.*

In June 2025 the Adult Psychiatric Morbidity Survey (APMS) Survey of Mental Health & Wellbeing, England (2023/24) was published. Chapter 7 of the report, focuses on gambling behaviour, with some of the key findings being:

- Overall, 1.6% of adults experienced at least moderate risk gambling (PGSI score of 3+). **0.4% of adults experienced problem gambling** (as indicated by a PGSI score of 8+). ***This is significantly lower the GSGB's 2.5% and not dissimilar to the NHS Health Survey evidence.***
- Most adults experiencing moderate risk gambling had never used services or support specifically related to gambling. Whereas 25% of adults with a PGSI score of 3+ had used some form of gambling-specific treatment or service.

The claim that one problem gambler dies by suicide every day in England has been formally discredited. It originated from Public Health England Review in September 21 that was then used by the Office for Health Improvement and Disparities in January 2023 and which has been referred to by Public Health in its representations. Believed to have been taken from a Swedish Study of Swedish gambling addicts in a Swedish Institution over 10 years ago attempts were made to extrapolate and apply the data to England. However, the Gambling Commission have said that it was wholly unacceptable to misuse this data and the Office for Statistics Regulation (ONS) wrote to the Chair of the Health and Social Care Committee about misusing the suicide figures in a letter it had sent to the Parliamentary Undersecretary for Public Health. Subsequently the Office for Health Improvement and Disparities has formally apologised for its misuse and ceased referring to the statistics.

Gambling Regulations

When processing an application for an Operating Licence the Gambling Commission carries out lengthy and detailed due diligence to ensure that an applicant is suitable to hold an operating licence. It checks:

- The identity and ownership of the applicant
- The integrity of the applicant
- The competence of the applicant, to carry on the licensed activities in a manner consistent with the pursuit of the licensing objectives
- The financial and other circumstances of the applicant past and present
- The criminality of the applicant

This is then rechecked every time there is a change of ownership.

To support an application, a business must submit detailed policies and procedures that demonstrate how it will conduct its business so that it complies with the legislation and regulations governing the industry. The Commission also carries out compliance checks, including site visits to land-based Operators to ensure they are conducting their business in a manner consistent with the licensing objectives.

The Gambling Commission is also required under the Act to issue Licence Conditions and Codes of Practice (LCCPs) that all licensed Operators must comply with. A breach of the LCCPs can result in the Gambling Commission reviewing an Operator's Licence with potential sanctions including a fine, suspension or revocation of the Operating Licence. Furthermore, a breach of a Social Responsibility Code set out within the LCCPs can result in prosecution. A copy of the LCCPs applicable to the arcade sector is at **Annex B** to this document and which may be referred to at the hearing.

LCCPs - Section 3 Socially Responsible Codes applicable to the Protection of children and other vulnerable persons

There is no definition of a vulnerable person, within the Act. The Commission's says that *..for regulatory purposes we consider that the group of 'other vulnerable persons' will include:*

- *people who spend more money and/or time gambling than they want to*
- *people who gamble beyond their means*
- *people who may not be able to make informed or balanced decisions about gambling, for example because of health problems, learning disability, or substance misuse relating to alcohol or drugs.*

The Act clearly did not intend it to include everyone; if it did then the third licensing objective would simply state to protect everyone from being harmed or exploited by gambling.

When determining this application it is important to have regard to these LCCPs and a summary of Section 3 is set out below.

SR Code 3.2.3 dealing with underage gambling requires Operators to have procedures for:

- checking the age of apparently underage customers
- removing anyone who appears to be underage and cannot produce an acceptable form of identification

- taking action when there are attempts by under-18s to enter the premises.

Operators must

- take account of the layout of their premises
- not deliberately provide facilities that appeal particularly to children or young people
- must refuse service where an adult is accompanied by a child or young person.
- train Staff on their responsibilities for preventing underage gambling.
- only accept valid photo ID which includes a date of birth
- must conduct age test purchasing and provide the results to the Gambling Commission, annually.

SR Code 3.3.1 Operators to make information readily available to customers on how to gamble responsibly and how to access information about and help for problem gambling.

The information must cover:

- any measures to help individuals monitor or control their gambling, such as restricting the time spent gambling or the amount of money they can spend
- timers and ‘reality checks’
- self-exclusion options
- information about the availability of further help or advice.

The information must be

- displayed prominently
- available in all areas where gambling facilities are provided and adjacent to ATMs
- available to take away
- and in locations which enable the customer to obtain it discreetly.

SR Code 3.4.1 Operators must interact with customers to minimise the risk of customers experiencing harms associated with gambling. This must include:

- identifying customers who may be at risk of or experiencing harms associated with gambling.
- interacting with customers who may be at risk of or experiencing harms associated with gambling.
- understanding the impact of the interaction on the customer, and the effectiveness of the Operator’s actions and approach.

Operators must take into account the Commission’s guidance on customer interaction, this includes evaluating the success of previous customer interactions in order to

determine whether an alternative interaction may be more successful as well as consideration of an Operator led exclusion.

SR Code 3.5.1 Operators must have a self-exclusion scheme and refuse service to anyone who has self-excluded . Procedures must be in place to ensure that an individual who has self-excluded cannot gain access to gambling including:-

- a register of those excluded;
- photo identification and a signature;
- staff training to ensure that staff can effectively administer the systems; and
- the removal of any self-excluder found in or attempting to gamble from the premises.

SR Code 3.5.6 Operators must offer anyone self-excluding the ability to self-exclude from other local premises by participating in one or more available multi-operator self-exclusion schemes.

It will be noted that the Applicant's policies and procedures deal with all of these Social Responsibility Code provisions. The Applicant adheres to them; failure to do so would leave the company and its directors liable to prosecution.

Promoting the Licensing Objectives

The Licensing Objectives as set out in the Gambling Act 2005 are:

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

The Applicant has prepared a Local Authority Risk Assessment on behalf of the Applicant which sets out the measures and more, in terms of promoting the licensing objectives of protecting the vulnerable and preventing the premises being connected to crime and/or disorder. The most recent version of the Local Area Risk Assessment is included in the hearing pack

The Local Area Risk Assessment sets out the measures that will be in place to ensure that the Licensing Objectives are promoted.

- (a) Staff are continuously located on the shop floor, walking around, monitoring customers entering the premises and speaking to customers who are playing the machines.
- (b) There is always a clear line of sight in the shop so that customers can always be seen by staff.
- (c) Staff are trained to monitor the entrance for customers entering the shop.
- (d) There will be CCTV cameras at the front entrance monitoring the outside of the premises monitored from inside.
- (e) Training is provided to staff on induction and is refreshed every 3 months.
- (f) Over 18 notices and no alcohol notices prominently displayed at the entrance to the shop.
- (g) Information posters and leaflets advising customers on where to get help if they need any help with gambling problems
- (h) Staff are trained to interact with customers particularly those displaying signs of problems with gambling.
- (i) Customer interactions are reviewed and assessed weekly for effectiveness
- (j) The Applicant offers customers the opportunity to self-exclude from its premises and participates in the Bacta multi-operator self-exclusion scheme.
- (k) Age verification testing is undertaken on an annual basis by an independent party and the results reported to the Gambling Commission.
- (l) Staff are aware of all education facilities and will ensure that under 18s are not permitted within the premises, whilst the Applicant operates a check 25 policy.

The Gambling Act 2005

The Licensing Act 2003 and Gambling Act 2005 set out different approaches to be taken when deciding whether to grant a Premises Licence. For gambling the approach is set out in section 153 of the Gambling Act 2005:

“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 thinks 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 (a) and (b))*
- d) in accordance with the [authority’s statement of licensing policy] (subject to (a) to (c)).”*

The aim to permit in section 153 of the Act is explained in the Gambling Commission’s Guidance to Licensing Authorities as follows:

1.20 The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the

Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

It is important when making a decision to note that

1. The test in section 153 is mandatory: “a licensing authority **shall**”
2. The obligation to “aim to permit” is set out in the Gambling Commission’s Guidance at paragraph 7.56 and described as “**the licensing authority’s primary obligation**”.
3. The “aim to permit” is also explained in the Patersons Licensing Acts, which states:
“... it creates a presumption in favour of granting the premises licence since it is only if the licence is granted that the premises may lawfully be used for gambling. But the duty seems to go further than that. The verb ‘to aim’ is defined by the OED as meaning ‘To calculate one’s course with a view to arrive (at a point); to direct one’s course, to make it one’s object to attain. Hence fig To have it as an object, to endeavour earnestly....’ A person who ‘aims’ to achieve a result will usually take active steps to bring it about. The provision appears to place a duty upon the licensing authority to exercise their powers so far as is lawfully possible to achieve a position in which they can grant the premises licence and thus permit the premises to be used for gambling.”
4. Any 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. (para 9.31).
5. Other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.
6. 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.

7. The licensing authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve (s182 Guidance on LA 2003)
8. A licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide (s 153 Gambling Act 2005).
9. 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.

Case Law (ANNEX C)

Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)

The claimant applied for judicial review of a magistrates' court decision that imposed conditions on a premises licence restricting a hotel's hours of operation. The High Court quashed the decision, holding that the magistrates had failed to take proper account of the changed approach to licensing introduced by the Licensing Act 2003 (LA 2003). The Court held that by proceeding without proper evidence and giving their own views excessive weight, the magistrates had limited the hours of operation without having established that it was necessary to do so to promote the licensing objectives set out in the LA 2003.

Future Leisure Limited v London Borough of Haringey Dec 2025 (Magistrates)

The Claimant appealed the decision of the licensing subcommittee (LSC) to refuse an application to extend the operating hours from 0900-2300 hours, 7 days per week to 24 hours opening, 7 days a week. The DJ found that there was no evidence to demonstrate that the licensing objectives and Statement of Gambling Policy would not or were unlikely to be met and that the LSC had given too much weight to evidence of what might happen rather than proper counterbalancing weight as to the track record of the Claimant throughout its business.

Response to Representations

The objections refer to

1. Protecting Children and Vulnerable Persons
 - a. Increasing accessibility of gambling facilities to vulnerable individuals
 - b. Normalises gambling, making it more visible and available
2. Clustering/Cumulative Impact

In respect of the protection of children, Torbay's Statement of Gambling Policy states at

Protecting children and other vulnerable persons from being harmed or exploited by gambling –

21.4 This objective is concerned with protecting children from gambling, as well as restrictions upon advertising, to ensure that the commercial promotion of gambling is not targeted towards children or portrayed as attractive to children.

The licensing objective does not extend to protecting children from seeing gambling and which would be impossible to do and was not intended by Parliament when the Gambling Act 2005 was introduced. By way of example, the sale and playing of Lottery scratch cards, one of the most significant sources of problem gambling is prolific.

The Applicant is bound by the LCCPs applicable to its Operating Licence that ensure the protection of children by preventing them from gambling in its premises.

The Applicant does not want people under 18 in its premises; it is not in the Applicant's interest, for the following reasons

1. It is a criminal offence under the Act to permit any child to gamble without an exemption (s46)
2. It is a criminal offence under the Act to permit anyone under 18 to enter an AGC (s47(5))
3. It is a breach of Social Responsibility Code 3.2.3 which could result in my Client's Operating Licence being revoked and the directors liable to prosecution

It has policies and procedures in place. Furthermore the Applicant has prepared a LARA that has identified potential risk and stated the mitigations it will put in place to ensure promotion of all the licensing objectives.

The Applicant has policies and procedures in place, that comply with the LCCPs and promote all the licensing objectives. These are designed to prevent children and young people from entering its premises or partaking in gambling activities. Anyone who appears to be under the age of 25 is challenged on entry. Staff received training on preventing underage gambling before they start work and at regular intervals thereafter.

The Applicant also undertakes age verification testing annually and results are reported to the Gambling Commission in accordance with industry regulations. In the event that a test purchase is failed a further test purchase will be arranged and staff will undergo remedial training.

The Applicant also has policies and procedures are designed to ensure vulnerable people are protected. Torbay's Statement of Gambling Policy states:

21.6 The Act does not offer a definition with regard to the term, 'vulnerable persons', however the Gambling Commission states the following.

For regulatory purposes the Commission will assume that this group includes:

- People who gamble more than they want to.
- People who gamble beyond their means.
- People who may not be able to make informed or balanced decisions about gambling, due to a mental impairment, alcohol, other relevant disability, or drugs.

21.7 Torbay and South Devon NHS Foundation Trust refers to a vulnerable adult as an Adult at Risk. The Care Act 2014 defines an adult at risk as someone who:

- has care and support needs
- is experiencing, or is at risk of, abuse or neglect
- as a result of their care and support needs is unable to protect himself or herself or the risk of it.

21.8 Torbay Council defines an adult at risk as persons aged over 18 years old who:

- is old and frail due to ill health, physical disability or cognitive impairment
- has a learning disability
- has a physical disability and/or a sensory impairment
- has mental health needs including dementia or a personality disorder
- has a long-term illness/condition
- misuses substances or alcohol
- is a carer such as a family member/friend who provides personal assistance and care to adults and is subject to abuse
- is unable to demonstrate the capacity to make a decision and is need of care and support.

Torbay is not unique in that it suffers similar or lower levels of deprivation than many other coastal regions. Typically these coastal areas experience high visitor levels, beneficial to businesses and employment in the summer months and much reduced business in the colder months resulting to reduced employment opportunities. That

together with an older often less healthy, population that move to the area on retirement tend to skew deprivation figures.

The Applicant has robust policies and procedures in place that will ensure staff

- can identify anyone displaying signs of problem gambling
- interact with such customers displaying signs of problem gambling, offering a number of self-help options
- record interactions and any agreed plan with a customer
- review any interactions a week later and note any changes
- undertake further interactions and offer alternative options where there is no positive change

The Applicant will initiate an Operator led exclusion where it is clear a customer is not willing to engage and continues to display signs of problem gambling

Both Public Health and the Licensing Authority have cited clustering and cumulative impact as an objection, however the premises is not located in a cumulative impact area as defined by the Council. Neither is proliferation, cumulative impact/clustering recognised under the Gambling Act 2005 or mentioned in the Torbay's latest Gambling Statement of Principles.

The latest version states at

14.2 In determining a premises licence application, the Licensing Authority shall not have regard to any objections which are deemed to be raised on moral or ethical grounds, nor will it be concerned with matters of sufficiency of, or unmet demand for, gambling facilities. Each application must be considered on its own merits without regards to demand.

It should be noted that whilst approximately 90 premises licenses have been granted by Torbay according to their register [Public Register Person/Premises Search](#) . However the majority of these licences have lapsed, been surrendered or revoked reflecting the downward trend referred to earlier in this document. This includes Enterprise Amusements a large FEC and AGC operated by Olympia Amusement Centre Limited located at 59-65 Torbay Road for many years and which only closed at the end of 2024.

There are now only 28 licensed premises in Torbay and only 3 on Torbay Road Paignton; this is not unusual for a coastal resort:

- Within Paignton
 - Leisure 2000 81-89 Torbay Road, which comprises of 5 mini AGCs and an unlicensed FEC
 - Hollywood Slots – 77 Torbay Road which comprises of an AGC and an unlicensed FECs
 - Riviera Slots 8 Torbay Road - an AGC
 - Merkur Slots– 33 Victoria Street - an AGC
 - Betfred Palace Avenue – a Betting shop
 - Betfred Victoria Street – a Betting shop
 - Ladbrokes Victoria Street – a Betting shop

Within Torbay itself there are the additional

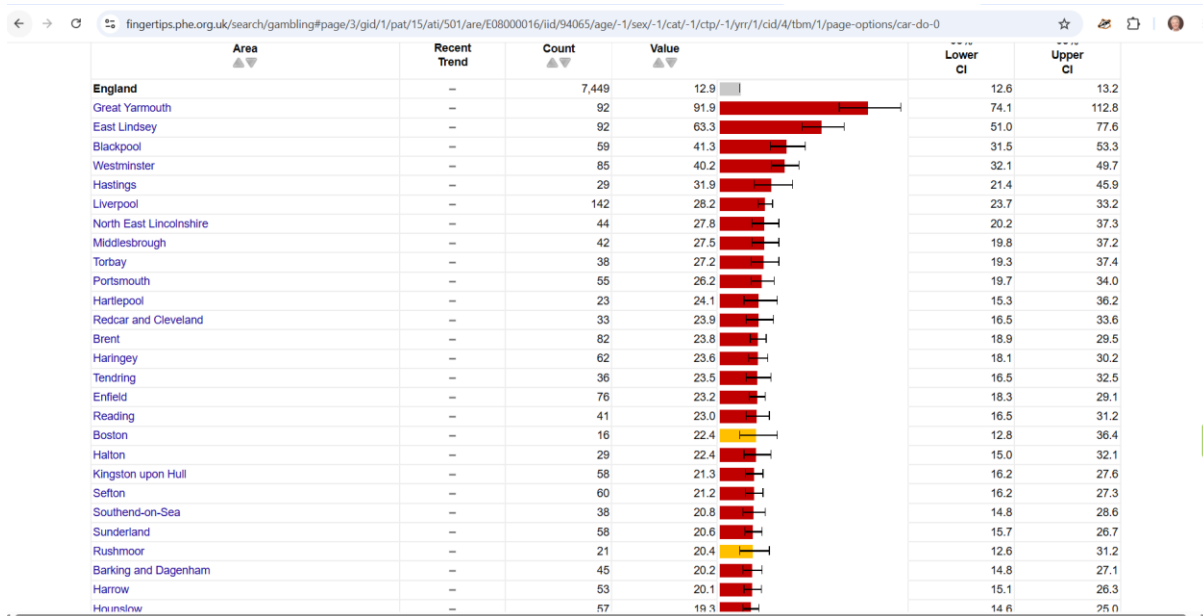
- Admiral, Union Street Torquay – AGC
- Admiral Mead Road Torquay – AGC
- Carousel Brixham – AGC
- Gold Palms Torquay – FEC
- Harbour Amusements Torquay - AGC
- Merkur Torquay - AGC
- Palms Casino Torquay comprising of 5 mini AGCs
- Betting shops
 - Betfred Palace Avenue
 - Betfred Victoria
 - Coral Barton Hill Torquay
 - Coral Fore Street Torquay
 - Ladbrokes Brixham
 - William Hill Babbacombe Road Torquay
 - William Hill Lucius Street Torquay
- Bingo
 - Buzz Bingo Torquay
 - South Bay Holiday Park
 - The Jackpot Lounge Torquay
 - Torquay Holiday Park
 - Trecarn Hotel Torquay
 - Waterside Holiday Park

The 2023 geo-spatial mapping study reported in the Journal of Public Health and referred to by Public Health is fundamentally flawed. The researchers used Gambling

Commission data from 2022 to identify gambling premises located within Lincolnshire, which is publicly available to download from the Gambling Commission website. However, for many years licensing authorities failed to send Notices of Grants and Surrenders to the Gambling Commission and quite often variation applications were recorded as new premises licence applications resulting in duplications of licences for sites and licences reported for sites that were no longer open. In addition between 2020 and 2024 staffing at the Commission was limited in part due to Covid , with most employees working from home. Low priority was given to tasks such as updating the Premises Licence register. At the beginning of 2025 Operators were required to report all their premises in order for the Gambling Commission to rewrite the register of Premises, however even today it list premises licences that are no longer active [Gambling Commission Premises Licence Register](#) .

The study report does not fully recognise the fact that the entire coast of Lincolnshire is a popular and traditional holiday destination with amusement arcades being a typical destination venue. Deprivation in the area arises as a result of a multitude of factors including low density population in a large rural county with limited resources resulting in limited employment opportunities, transport and health facilities. However, during the summer months the population along the coast doubles in size with many visitors staying the entire season in static caravans. It is therefore fanciful to suggest that the arcades are located there because these are areas of deprivation. Arcades are sited in costal towns as a traditional seaside destination going back generations.

The fingertips data quoted by Public health is wrong; it relies on out-of-date premises data from the Gambling Commission. with a population of 140,126 (ONS) the number of licensed gambling premises is actually 20 per 100,00 but even that fails to take into account the fact that there are an additional annual 1.45 million staying visitors plus 3.8-million-day visitors using such premises. This demonstrates that not only is the Fingertips exercise unreliable but that in any case Torbay ranks much lower than first suggested.



Public Health have also misunderstood what the Problem Gambling Severity Index reports; it measures gambling harm levels amongst people who gamble, not the entire population.

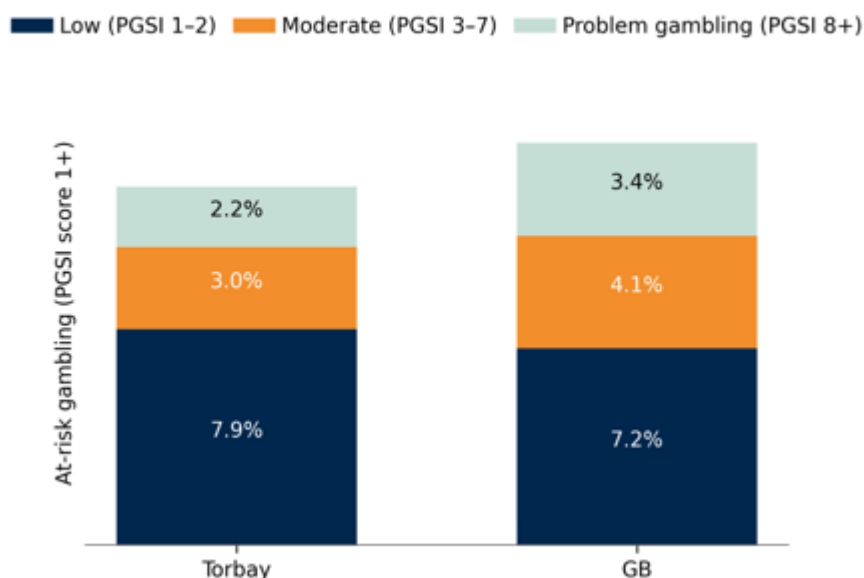
The latest Gamble aware Gambling Harm data profile for 2024 available from [Gambleaware Torbay Data 2024](#) states that:

Torbay has a lower proportion of people scoring one or more on the PGSI (13.1%) compared to GB as a whole (14.7%).

When broken down by PGSI categories, the data shows that:

- *Levels of low-risk (PGSI 1-2) gambling in Torbay (7.9%) are estimated to be higher the GB average (7.2%).*
- *Levels of moderate-risk (PGSI 3-7) gambling in Torbay (3.0%) are estimated to be lower the GB average (4.1%).*
- *Levels of defined 'problem gambling' (PGSI 8+) in Torbay (2.2%) are estimated to be lower the GB average (3.4%).*

People gambling with any negative consequences (PGSI 1-2, 3-7 and 8+) by PGSI score



Furthermore the reported fiscal costs are only calculated as an apportionment of Torbay's estimated share of the total number of people in GB who are gambling with any potential negative consequences (PGSI score of 1+). The costs are generalised and are not broken down between land based, online, the National Lottery, other charity lotteries and scratchcards and illegal gambling activities and should therefore not be used when deciding on an application for an Adult Gaming Centre.

The case of Future Leisure Ltd v London Borough of Haringey which considered concerns raised by Public Health about vulnerable individuals with addictions and other similar issues living in the ward who are at risk from the presence of Premises. DJ Brennan found that there was no actual evidence that those risks could not be met by existing measures and mitigations employed at the Premises; that the applicant operated premises with the same risks at other locations in similar areas and managed them; that the decision to refuse the application gave too much weight to evidence as to what might happen, rather than counterbalancing the track record of the applicant.

Summary

The Applicant is committed to promoting the Licensing Objectives and supporting Torbay's Statement of Gambling Principles. It has more than adequate policies and procedures that are fit for purpose and comply with the strict requirements set out by the Gambling Commission in its LCCPs. All staff are fully trained on all policies and procedures and staff training is refreshed every 3 months.

It is accepted by the Applicant that a small minority of people who gamble do suffer from gambling harm, but those numbers are very low compared to people addicted to alcohol, drugs and even online shopping. Attempts to prevent in-premises gambling will simply force those with gambling addictions to go online often on sites where there is no regulation or protection measures out in place.

The members of the sub-committee must make an evidence-based decision, applying decisions in licensing case law. Parties making representations have referred to evidence generally, evidence that uses words like “may” and “might,” “likely” and “possible”. Neither has submitted any evidence that an additional AGC in Torbay (which is in essence replacing Enterprise Amusements) will harm children or will harm vulnerable people and neither has adduced any evidence that is specific to how the operation of this site by this operator will undermine the licensing objectives as is required by law. Neither has submitted any actual evidence that the risks they are concerned about could not be met by existing measures and mitigations employed at the Premises.

Neither of the parties making representations have provided any substantiated evidence that the operating of this AGC will harm children; the Applicant operates a site several doors away and no evidence has been adduced that the operations of that site or any other site in the locality undermines the licensing objectives

Neither of the parties making representations have provided any substantiated evidence that the operating of this AGC will harm vulnerable people; the Applicant operates a site several doors away and no evidence has been adduced that the operations of that site or undermine the licensing objectives.

The sub-committee must aim to permit the granting of the premises licence unless to do so would put the licensing objectives at risk. Without any specific and substantial evidence of that actually happening it is the Applicant’s case that the premises licence must be granted.

The sub-committee should also consider conditions that can be attached to the premises licence before making a decision to refuse to grant the application. These should not make operations impossible but can be used to allay concerns over the number of category B3 gaming machines. For example

The Licence holder shall not make any gaming machine tablets available for use at the premise, particularly in order to increase the number of category B3 gaming machines that can be made available for play.

ANNEX A – HOLLYWOOD SLOTS UK LIMITED’S POLICIES AND PROCEDURES

HOLLYWOOD SLOTS UK LIMITED
POLICIES & PROCEDURES

GAMBLING REGULATORY COMPLIANCE

Version	Date	Reviewer
1	Jan 2020	D Bollard
2	Sept 2024	D Bollard
3	May 2025	D Bollard

Introduction

The Company is licensed by the Gambling Commission to operate AGC.

The Directors & Company acknowledge their obligations to uphold the licensing objectives set out in the Gambling Act 2005 and the requirement to comply with the Licensing Codes and Conditions of Practice (LCCPs) as amended from time to time. The Company will comply with any relevant social responsibility provision of a code of practice issued by the Gambling Commission.

If it became clear that the Company was unable to fulfil its responsibilities under the Operating Licence the Directors would notify the Gambling Commission immediately and comply with any requirements of the Gambling Commission

Licensing Objectives

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

Licensing Conditions and Codes of Practice

The latest version of the LCCPs can be found online at

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/online>

Compliance with the *Social Responsibility Codes* is a condition of the Company's Operating Licence, and any breach may lead the Commission to review the with a view to suspension, revocation or the imposition of a financial penalty. This could also expose the Company to the risk of prosecution.

Ordinary Code Provisions do not have the status of Operator Licence conditions but set out good practice. The Company can adopt alternative approaches provides it takes into account the ordinary code provision and can demonstrate that an alternative approach is reasonable in the particular circumstances; or that by taking an alternative approach it is acting in a similarly effective manner. Ordinary codes of practice are admissible in evidence in criminal or civil proceedings and must be taken into account in any case in which the court or tribunal think them relevant, and by the Commission in the exercise of its functions; any departure from ordinary code provisions by the Company may be taken into account by the Commission on a licence review but cannot lead to imposition of a financial penalty.

REPORTING REQUIREMENTS

The Company will disclose to the Commission anything that is likely to have a material impact on its business or ability to conduct licensed activities compliantly. In particular the Company will report any of the Key Events listed in the Licence Condition 15.2.

A key event is an event that could have a significant impact on the nature or structure of an Operator's business. Operators are required to notify the Commission of the occurrence of key

events as soon as reasonably practicable and in any event within five working days of becoming aware of the event's occurrence.

Operators must as soon as reasonably practicable provide the Commission with any information that they know relates to or suspects may relate to the commission of an offence under the Gambling Act 2005, including any breaches of the Licence Conditions and Codes of Practice.

Full details of notifiable key events can be found in the Licence Conditions and Codes of Practice at condition 15.2 and include the following:

- The Company going into administration or equivalent;
- A change in ownership of the Company (shareholder changes of 3% or over);
- Any change in key personnel;
- Any change to Company structure or organisation;
- Any disciplinary sanction, including dismissal, against the holder of a personal licence;
- Submission of a suspicious activity report (SAR) to the NCA pursuant to the Proceeds of Crime Act 2002 or Terrorism act 2000;
- Any breach of the Company's information security that adversely affects the confidentiality of customer data; and
- Any change of the Company's alternative dispute resolution (ADR) provider

The Company acknowledges its duty as set out in Licence Code 15.3.1 to and will provide the Gambling Commission with any information it requests in its Regulatory Returns or otherwise about the supply, maintenance and repair of gaming machines.

RESPONSIBILITY FOR THIRD PARTIES

The Director acknowledges the Company's responsibility for third parties that it contracts with relating to the supply, maintenance and repair of gaming machines and will ensure that the terms of any such contracts:-

- require a third party to act in accordance with the LCCPs for the supply, maintenance and repair of gaming machines carried out on behalf of the Company.
- require a third party to provide any and all information that the Company may need to comply with their information reporting and other obligations to the Gambling Commission.
- permit the Company to terminate the contract if in the Company's reasonable opinion a third party is in breach of contract particularly relating to terms applicable to the LCCPs and licensing objectives.

ACCESS TO PREMISES

The Company acknowledges its obligation to ensure that staff co-operate with the Gambling Commission's Enforcement Officers, the Police and the Authorised Officers of the Local Authority in the proper performance of their compliance functions and that they are made aware of those officers' rights of entry to premises contained under Part 15 (S.303 to S.326) of the Gambling Act 2005 (refer to page 2 of this policy) and that:

- The Company must provide the Gambling Commission or Police with any information that it suspects may relate to the commission of an offence under the Gambling Act 2005, including an offence resulting from a breach of an operating licence condition or a code of practice provision having the effect of a licence condition.
- The Company must provide the Gambling Commission with such information as the Commission may require from time to time including the range of gambling activities provided by the Company and the number of staff employed in connection with the activities; and the Company's policies in relation to, and experience of, problem gambling.
- The Company must submit a quarterly Regulatory Return to the Gambling Commission containing such information as the Commission may require from time to time and provide evidence that the terms on which gambling is offered are not unfair under the Unfair Terms in Consumer Contracts Regulations 1999 and, where applicable, complies with the Consumer Rights Act 2015.
- Staff will co-operate with Enforcement Officers and Police in the proper performance of their compliance functions; senior management will ask the visiting officer for a written report of the inspection.

Staff are trained on induction and during refresher training on this policy and the rights of entry to premises by the Gambling Commission's Enforcement Officers, the Police or an Authorised Officer of the Local Authority.

- Suspected Offence - A constable or enforcement officer can enter a premises if he reasonably suspects that an offence may be being committed or is about to be committed.
- Inspection of Gambling - A constable, enforcement officer or authorised person may enter premises if they reasonable suspect that unlawful facilities for gambling (other than private and non-commercial gaming) or better may be being provided, may be about to be provided or have been provided.
- Inspection of Operating Licence Condition Compliance - A constable or enforcement officer may enter premises that they reasonably believe to be used by the holder of an operating licence in connection with licensable activities, to determine whether the licensed activities are being carried out in accordance with the conditions of the operating licence.
- Licensed Premises - A constable, enforcement officer or authorised person may enter a premises where an application for a premises licence has been made to assess the likely effects of activity carried on under a premises licence.

ANTI-MONEY LAUNDERING

Under Operating Licence Condition 12.1.1 all licensees must conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes of circumstances, including the introduction of new products or technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.

The Company and its Director are aware of their duties and responsibilities under the Proceeds of Crime Act 2002 and the Terrorism Act 2000 and will consider any advice the Gambling Commission provides on the Proceeds of Crime Act 2002

The Company is aware that there is a risk that the business might be used for money laundering and terrorist financing and will therefore from time to time and at least annually conduct risk assessments. Additional risk assessments may be conducted when there is an introduction of a new product or technology or method of payment. Where a new risk is identified the Company will review its policies and procedures and make any necessary amendments and ensure that they are implemented. The Company will also ensure that there is additional staff training, so the staff understand the changes.

The Company will make a report to NCA in accordance with its Money Laundering Policy if it is suspected that someone is trying to use the business as a way of laundering money.

Staff are trained:-

- to be vigilant at all times for anyone carrying out any suspicious activities on Company Premises including any attempts by third parties to use the business for any illegal activities including for the purpose of money laundering. Staff are required to make a report to their line manager as soon as they suspect anyone of trying to use the business to launder money including attempts to pass any counterfeit or stolen money. The MLRO will then assess the situation and in accordance with the AML Policy where appropriate, make a report to the NCA and Gambling Commission.
- on how to identify counterfeit money using scanners and other detection equipment capable of identifying counterfeit money and to inform the MLRO immediately if a detection is made so a report can be made to the appropriate authorities.
- to report to the Company, anyone they suspect of trying to cheat and a report will be made to the appropriate authorities. If the police are involved, the matter will be recorded in the incident log and included in the Company's annual regulatory return.
- to make a report to the Company, if they suspect another operator or a staff member is operating in an illegal manner and in particular committing an offence under the Gambling Act 2005. The Company will then make a report to the appropriate authority including the Gambling Commission and if necessary, take disciplinary action against any member of staff involved. In the event that the police are involved the matter will be recorded in the incident log and included in the Company's annual regulatory return.

ANTI MONEY LAUNDERING POLICY

Introduction

The Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2007 place obligations on the Company and its employees with respect to suspected money laundering, the key points being:

- The reporting and detection of suspected money laundering.
- Employees must be vigilant for the signs of money laundering.
- Any employee who suspects money laundering activity must report this promptly to John Graham who is the Money Laundering Reporting Officer (MLRO)
- The Money Laundering Regulations are complex and if there are any doubts about the policy you should seek further guidance from the MLRO.

The Policy

This policy applies to all employees and sets out how to report suspected money laundering activities, to prevent criminal activity and help the Company comply with its legal obligations.

Failure by any employee to comply with the procedures set out in this policy may lead to disciplinary action in accordance with the Company's Disciplinary Policy Procedures.

What is Money Laundering?

Money laundering is a term referring to offences involving the proceeds of crime or terrorism funds. The following are acts of money laundering:

- Concealing, disguising, converting, transferring criminal property, or removing from the UK (section 327 of the Proceeds of Crime Act (POCA) 2002).
- To enter into or become concerned in an arrangement which you know, or suspect will assist the acquisition, retention, use or control of criminal property or on behalf of another person (POCA section 328).
- Acquiring, using or possessing criminal property.

These are also offences which relate to the failure to disclose any of the above acts and tipping off (POCA section 330). Tipping off is where someone informs a person or persons involved in, or suspected to be involved in money laundering acts, in such a way as to reduce the likelihood of their being investigated.

The risk to the Company of breaching legislation is considered to be low, but employees should be aware that they could be potentially exposed to money laundering acts. It is important that all employees are aware of their responsibility to report any suspicions of money laundering activity as set out in this policy and promptly and report any suspicions to John Graham to prevent any breach of legislation which can lead to serious criminal penalties.

Reporting

Any employee who has any information that comes to them while working for the Company that they know, suspect, or have reasonable grounds to know or suspect a money laundering activity is occurring should report their suspicions promptly to John Graham using the form below.

No further enquiries should be made about the suspected money laundering after reporting to John Graham. No further steps in any transaction relating to the suspected money laundering should be made without authorisation from John Graham. For example you should not pay out any prize that was won using moneys suspected of being the proceeds of crime or terrorism funds.

You should not have discussions with anyone else that would indicate suspicions of money laundering.

John Graham will consider whether any report made should be reported to NCA and if necessary, promptly report the matter to NCA on the standard electronic report form in the prescribed manner via www.nationalcrimeagency.gov.uk.

Failure to report a disclosure to NCA is considered a criminal offence without reasonable grounds. All disclosures will be retained on file for five years.

Further information

Further information can be obtained from the following sources:

- National Crime Agency (NCA) – Moneylaundering and illicit finance):
<https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/money-laundering-and-illicit-finance>
- National Crime Agency (NCA) – Suspicious Activity Report (SAR) Online System
<https://sarsreporting.nationalcrimeagency.gov.uk/>
- National Crime Agency (NCA) - Guidance on submitting Suspicious Activity Reports (SARs)
<https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/money-laundering-and-illicit-finance/suspicious-activity-reports>
- Gambling Commission AML Hub: <https://www.gamblingcommission.gov.uk/licensees-and-businesses/aml>

For completion by the employee suspicious of activity

CONFIDENTIAL

From: _____

[insert name of employee]

Details of suspected offence:

Names(s) and address(es) of person(s) involved:

[if a company/public body please include details of nature of business]

Nature, value and timing of activity involved:

[Please include full details e.g. what, when, where, how. Continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:

[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)? (Please tick the relevant box)

☐ Yes ☐ No

If yes, please include details below:

Have you discussed your suspicions with anyone else?

(Please tick the relevant box)

☐ Yes ☐ No

If yes, please specify below, explaining why such discussion was necessary:

Signed: _____ **Dated:** _____

Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of five years' imprisonment.

For completion by the Money Laundering Reporting Officer (MLRO)

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received: _____

Date receipt of report acknowledged: _____

CONSIDERATION OF DISCLOSURE:

Action plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money laundering activity?

If there are reasonable grounds for suspicion, will a report be made to NCA? [Please tick the relevant box] ☐ Yes ☐ No

If yes, please confirm date of report to NCA: _____ and complete the box below:

Details of liaison with NCA regarding the report:

Notice period: _____ to _____

Moratorium Period: _____ to _____

Is consent required from NCA to any ongoing or imminent transactions which would otherwise be prohibited acts? [Please tick the relevant box] ☐ Yes ☐ No

If yes, please confirm full details in the box below:

Date consent received from NCA: _____

Date consent given by you to employee: _____

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to NCA, please set out below the reason(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed:

Other relevant information:

Signed: _____

Dated: _____

THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS

PROTECTION OF BUSINESS FROM BEING A SOURCE OF CRIME OR DISORDER

Credit & Money lending

The Company does not provide credit in connection with gambling nor participate in, arrange, permit, or knowingly facilitate the giving of credit in connection with gambling. Staff are trained to be alert to and to prevent collusion between customers. Disciplinary action will be taken against any member of staff involved.

The Company does not permit customers to lend money to one another and staff are trained to be alert to and identify any attempts and to report instances of substantial lending to the Director. Customers will be asked to cease the practice and in certain circumstances they may be excluded from the premises if the behaviour continues.

Internal crime

The Company acknowledges that in there is a risk of internal crime in the form of theft or money laundering by employees. Although this is assessed as being low, in order to mitigate the risk the Company has adopted the following policy.

- The Premises are constantly monitored by CCTV which is recorded and available to download and review at any time.
- Gaming machines are emptied by the Directors and meter readings are recorded. All money is immediately taken to the site office where it is counted and the details together with the meter readings are recorded electronically to ensure that the same correspond.
- The Director and the arcade manager are solely responsible for refloats and all floats are recorded and signed for at the time.
- The Directors are responsible for banking; any cash is kept stored securely in the safe in the site office until it is banked.
- The keys to all the gaming machines are stored in the site safe with access limited to senior management only.
- Staff and their family are not permitted to use the gaming machines in the arcade.

The Company can make the following gaming machines available for use in its Premises:-

- Category B3– max stake £2 max prize £500
- Category B4 – max stake £2 max prize £400
- Category C – max stake £1 max prize £100
- Category D – max stake 10p max prize £5

The Company will ensure that in its Premises it only operates 1 category B3/4 machine for every 4 category C/D machine unless it has premises with grandfather rights when it can operate a maximum of 4 category B3/4 machines. Where applicable, in order to maintain the 20% rule staff are trained to switch off a category B3/4 machine in the event that a category C/D machine becomes unserviceable.

External Crime

The Company maintains an asset register recording:

- Details of all its gaming machines including serial numbers
- The location of each gaming machine and the relevant authorisation for its operations
- Details of any maintenance
- Details of disposal

The Company ensures that all gaming machines have:

- Independent metering to monitor activity.
- Coin and note acceptors that reduce the risk of counterfeit monies being used in the machines.
- Security locks with access to keys limited to senior management only.
- Alarms and programs designed to shut the machine down in the event of an attempt tamper with them

The Company audits transactions and accounts and makes regular checks for any unusual or suspicious activities.

The Company uses CCTV and has staff monitoring its equipment to prevent crime and criminal misuse.

The Company carries out due diligence checks on companies it deals with to ensure they are trustworthy and reputable and comply with any industry regulations and standards; this includes where appropriate that a supplier holds a valid Operating Licence. If there are any concerns about the conduct of a third party that the Company does business with it will, where appropriate, terminate any contract immediately.

The Company only uses gaming equipment supplied by companies that hold Operating Licences and regularly checks to ensure that the equipment complies with the Gambling Commission's technical standards.

ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

The Company recognises its responsibility and obligations to ensure that the gambling facilities provided are operated in a fair and open way as is required by the licensing objectives and the LCCPs.

The Company offers gambling on fair and open terms; none of the terms on which gambling is offered are unfair terms within the meaning of the Consumer Rights Act 2015 and, where applicable, meet the reasonableness test under the Unfair Contracts Act 1977. Terms of play are benchmarked against these legal requirements.

Staff are trained on induction that it is essential that the Company is seen to be operating in a fair and open way and that any queries should be immediately referred to the management. Staff are trained on how to deal with the complaints, and which includes logging all complaints in the log at the Premises. All records and reports, including the outcome of each dispute, are submitted annually to the Gambling Commission.

The Terms and Conditions of use of the facilities in Premises are clearly displayed at the Premises and which include details of how to self-exclude and make a complaint. Paper copies of the terms and conditions and the complaints procedures are made available for customers to take away. Any changes will be notified to customers through additional signage prior to any change taking place.

The Company carries sufficient float in its safe on its Premises to cover all gambling transactions and financial obligations and which is regularly monitored.

The Company acknowledges its responsibility for third parties that it contracts with linked to its licensed activities and will ensure that the terms of any such contracts:-

- require a third party to act in accordance with the LCCPs applicable to AGCs for any activities carried out on behalf of the Company .
- require a third party to provide all information that the Company may need to comply with their information reporting and other obligations to the Gambling Commission.
- permit the Company to terminate the contract if in its reasonable a third party is in breach of contract particularly relating to terms pertaining to the LCCPs and licensing objectives.

MARKETING

In accordance with Social Responsibility Code 5.1, where the Company offers any customer or potential customer an incentive or reward it will ensure that the scheme makes clear:

- the circumstances in which, and conditions subject to which, the benefit is available are clearly set out and readily accessible to the customers to whom it is offered;
- that neither the receipt nor the value or amount of the benefit is dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency; or altered or increased if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered;
- that if the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases;

The Company will also ensure that it only offers incentive or reward schemes where the benefit available is proportionate to the type and level of customers' gambling.

The Company will ensure that all marketing is undertaken in a socially responsible manner. He will comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) as applicable.

The Company will also ensure that any marketing communications, advertisements, and invitations to purchase (within the meaning of the Consumer Protection from Unfair Trading Regulations 2008) do not amount to or involve misleading actions or misleading omissions within the meaning of those Regulations; that all significant conditions which apply to any marketing incentives are provided transparently and prominently to consumers and that significant conditions are displayed at the point of sale for any promotion, and on any advertising in any medium for that marketing incentive. Where limitations of space make this impossible information about the significant conditions will be included to the extent that it is possible to do so, and the advertising will clearly indicate that significant conditions apply with a link to a webpage where the significant conditions are displayed in full. Such terms will be made available for the full duration of the promotion.

The Company will not send direct electronic marketing to consumers without their informed and specific consent and will cease sending such marketing if consent is withdrawn.

COMPLAINTS AND PLAYER DISPUTE RESOLUTION

Under SR Code provision 6.1.1 licensees must:

- put into effect appropriate policies and procedures for accepting and handling customer complaints and disputes in a timely, fair, open and transparent manner.
- ensure that they have arrangements in place for customers to be able to refer any dispute to an ADR entity in a timely manner if not resolved to the customer's satisfaction by use of their complaints procedure within eight weeks of receiving the complaint, and where the customer cooperates with the complaints process in a timely manner. The services of any such ADR entity must be free of charge to the customer.
- not use or introduce terms which restrict, or purport to restrict, the customer's right to bring proceedings against the licensee in any court of competent jurisdiction. Such terms may, however, provide for a resolution of a dispute agreed by the customer (arrived at with the assistance of the ADR entity) to be binding on both parties.
- Have complaints handling policies and procedures that include procedures to provide customers with clear and accessible information on how to make a complaint, the complaint procedures, timescales for responding, and escalation procedures.
- ensure that complaints policies and procedures are implemented effectively, kept under review and revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidance published by the Gambling Commission from time to time.
- keep records of customer complaints and disputes and make them available to the Commission on request.

POLICY AND PROCEDURE FOR INVESTIGATING A CUSTOMER COMPLAINT

Where a customer raises a complaint about the use of a gambling product provided by the Company it will invoke its complaints procedure as follows:-

- In the first instance the member of staff receiving the complaint will assess whether it can be resolved immediately without further intervention from the Company and the matter will be recorded in the Company's complaints' log - **Stage 1**
- If a member of staff is unable to resolve the matter immediately the matter will be referred to the Directors who will review the complaint and provide an acknowledgement to the customer within 3 days, by any reasonable communication method requested try to resolve it - **Stage 2**
- If the complaint cannot be resolved to both parties' satisfaction within 8 weeks the customer will be advised to refer the complaint to Pegasus ADR Service and provided with contact details
- The Company will provide Pegasus ADR Service with any additional information it requires to investigate the complaint within 10 working days of a request,
- A record of the referral and its outcome will be reported to the Gambling Commission.

The Company will ensure that:

- Its terms and conditions include information about how to make a complaint;
- Information about how to make a complaint is readily accessible to customers and in a paper format that can be taken away;
- The information includes:-

- details of how to make a complaint and the contact details of the person who will handle the complaint;
 - Pegasus ADR Service's contact details for referring any disputes that cannot be resolved within 8 weeks by the Company;
- Customers are provided with a copy of the complaints policy and procedure on request or when making a complaint
- All complaints are handled in accordance with the procedure;
- A record of all complaints is kept in its complaints log and a copy of the outcome and any decision of a referral to Pegasus ADR Service
- Its complaints policy and procedure are implemented with effective staff training, kept under review to ensure that they remain effective and comply with the requirements of LCCP 6.1.1 and take into account any applicable learning or guidance published by the Gambling Commission from time to time.
- It notifies the Gambling Commission about any change to its ADR provider.

HOLLYWOOD SLOTS UK LIMITED

COMPLAINTS & PLAYER DISPUTE RESOLUTION CUSTOMER INFORMATION

Hollywood Slots UK Limited which trades as Hollywood Slots endeavours to provide a high-quality service to its customers and members of staff are trained how to deal with complaints at the initial stage. However, if you believe that things have gone wrong, and your complaint was not resolved to your satisfaction then please inform us as we take such reports seriously. We will review your complaint and will be dealt with by:

John Graham who is a Director
Email Address: johngrahamshollywood@gmail.com
Tel: 07973763775

How to make a complaint

- Complaints, which we will deal with confidentially, should be submitted in writing, by letter or e-mail.
- The attached form should be used to record and submit complaints.
- Give as much detail as possible and any other relevant information in order to assist us in the investigative process.
- Complaints should be raised within 6 months of the incident.

What happens next?

We will acknowledge receipt of your complaint in writing within 3 days. We will investigate and provide a full explanation of what we have done within 8 weeks of receiving a complaint. If this is not possible, for example because of a delay in you providing additional information we have requested, we will give a date by which a full response can be expected, and which will only take into account any such delays. Should your complaint not be resolved between us we will provide you with a 'deadlock' or final outcome letter that you will need to submit if you go to Alternative Dispute Resolution (ADR).

If you are not satisfied with our response

If you are still not satisfied with our response to the complaint, you may consider contacting Pegasus ADR Service, the ADR entity this company is registered with and request that the matter be reviewed. You should submit all previous correspondence relating to your complaint, including the 'deadlock' letter referred to above.

Pegasus ADR Service will acknowledge receipt of your correspondence without undue delay and, after a review, inform you of its findings and recommendation usually within a maximum of 90 days. The review process is thorough and based upon the information that both parties and other independent sources provide.

Pegasus ADR Service contact details are as follows

- Email Address: enqs@pegasusadrservice.org.uk
- Website: <http://pegasusadrservice.org.uk/>
- Telephone: 01903 873785
- Postal Address: Pegasus ADR Service, 29-30 Ely Place, London, EC1N 6TD

It is recommended that you visit Pegasus ADR Service website (as above) so that you are fully aware of the procedural rules and other related information

<http://pegasusadrservice.org.uk/Complaints/GamblingRelatedComplaint>

Complaint Form - CUSTOMER

Name:

Address:

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Postcode

Daytime Telephone No.....

E-mail address:

Signature: Date:

Is this an initial complaint or a follow up to a previous incident?

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Name of staff member that you initially raised your complaint with:

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Date of Incident:

Time of Incident:

A clear and comprehensive account of the complaint and what you are seeking as redress to resolve the matter:

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Please use continuation sheet(s) if required.

Signed(Complainant)

Date:

For Office Use Only

Director dealing with complaint:

Complaint Acknowledged (Y/N): Date:

Details of action to resolve taken by Company:

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If complaint still unresolved by Company

Complainant referred to ADR Entity (Y/N); Date:.....

.....

Company Complaint Policy & Procedure Document given to Complainant (Y/N): Date.....

PROTECTION OF CHILDREN AND VULNERABLE PEOPLE POLICY

The Company recognises its responsibility and obligation to protect children and other vulnerable persons from being harmed or exploited by gambling as is required by the licensing objectives and the LCCPs.

Access To Gambling by Children and Young Persons

Licence Requirements

Under s.46 Gambling Act 2005 it is an offence to permit a person under 18 to gamble.

Under SR Code 3.2.3 and 3.2.5 licensees must:

- Have and put into effect policies and procedures designed to prevent underage gambling.

Under SR Code provision 3.2.3 and 3.2.5 policies must also include:

- checking the age of apparently underage customers
- refusing entry to an AGC or an adult only area of a Bingo Premises or an FEC to anyone unable to produce an acceptable form of identification.
- taking action when there are unlawful attempts to enter an AGC or adult-only areas .

POLICY AND PROCEDURE TO PREVENT UNDERAGE GAMBLING

Company Premises

All the Company promotional material makes it clear that under 18's are not permitted to enter its AGCs.

The Company has a think 25 policy; anyone entering an AGC, who is suspected of being underage or believed to be under 25 is asked to produce valid photographic ID as proof of age. ID must include the holder's date of birth and have no visible signs of tampering or reproduction. The Company will accept the following as evidence of proof of age:

- A passport; or
- A driving licence; or
- An Armed Forces identity card

Anyone found to be underage, or unable to prove their age will be asked to leave the AGC or refused admission. Forged ID may be retained and handed to the police.

Staff are trained as part of their induction that they are under no circumstances to permit access to an AGC, by anyone who appears to be under the age of 25 and who cannot prove that they are over the age of 18. Notices are displayed at the entry to the AGCs, stating that no one under the age of 18 is permitted to enter or gamble.

The Company ensures that it does not offer gambling in a style that is intended to or likely to appeal to anyone under 18.

Where a person under 18 repeatedly attempts to gamble in an age restricted premises or area, staff will offer that person information on problem gambling and issue an oral warning that further

attempts will be reported to the police. In the event that the said person continues to try to enter an age restricted premises or area for the purpose of gambling the incident will be reported to the police, recorded in the incident log, and recorded in the Company's annual regulatory return.

Where the Company identifies an adult who is complicit in encouraging or assisting someone under the age of 18 to enter and gamble in an age restricted premises or area, the Directors will issue a warning and may consider excluding the adult from Company premises on a temporary or permanent basis.

An entry of any incident will be recorded in the incident log kept at the relevant Premises and reported to the Gambling Commission on an annual basis.

The Company participates in a collective test purchasing scheme as part of its underage gambling prevention strategy with testing undertaken as a minimum of once a year. The results of any test purchase will be recorded in the Company's logs as 'challenge before gambling activity', 'challenge during gambling activity', 'challenge after gambling activity', or 'unchallenged' and reported to the Gambling Commission. Where a premises fails a test purchase a further test purchase will be arranged and the results recorded.

Employment of children and young people

It is an offence for any child (under-16s) and young persons (those aged 16 and 17) employed by Company to be engaged, or permitted to be engaged in:

- Providing facilities for gambling.
- Performing a function in connection with a gaming machine at any time.
- Carrying out any other function in an AGC whilst any gambling activity is being carried on in reliance on the premises licence.

The Company does not employ anyone under the age of 18 to work in its Premises or to install maintain or repair gaming machines for customers. All staff have been trained about the laws relating to access to gambling by anyone under the age of 18 and which forms part of the induction training for all staff.

It is strict Company policy that no gambling facilities are made available for use at Company Premises if anyone under the age of 18 is working on the premises outside the hours when the premises are open for business.

SOCIAL RESPONSIBILITY POLICY AND PROCEDURES

Licence Requirements

Under SR Code 3.1.1 licensees must:

- Have and put into effect policies and procedures to promote socially responsible gambling;
- Make an annual financial contribution to organisations to prevent and treat gambling related harms.

Under SR Code 3.3.1 licensees must:

- Make information readily available to customers on how to gamble responsibly and how to access information about problem gambling (e.g. monitoring or controlling gambling by duration or money spent, timers, self-exclusion options or further advice or information)

Under SR Code 3.4.1 licensees must:

- Interact with customers by (a) identifying customers who may be at risk or experiencing gambling harm (b) interacting with those customers and (c) understanding the impact of the interaction;
- Take into account the Commission's guidance on customer interaction
<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/customer-interaction-formal-guidance-for-premises-based-operators?msclkid=8e1bb2c1b4f411ec9bf242e2b502fe58>

Under SR Code 3.5.1 licensees must:

- Have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- Signpost individuals that self-exclude to counselling and support services.

Under SR Code 3.5.6 licensees must:

- Offer customers entering into a self-exclusion agreement at their Premises the ability to self-exclude from other similar local Premises operated by other licensees, by participating in a multi-operator self-exclusion schemes.

SR Triggers

The Company will use the following trigger points that it can monitor to identify those at risk of problem gambling:-

- An increase in the time spent gambling;
- An increase in the amount of money spent on gambling;
- Chasing losses;
- Complaints made by the customer about not winning or talking about the negative impact of their gambling;
- Signs of distress, agitation or other changes that might indicate that gambling is having a negative impact on the customers wellbeing;
- Threatening self-harm or suicide;
- A customer's known vulnerability.

SR Procedures

The Company makes an annual financial contribution to an organisation approved by the Gambling Commission to prevent and treat gambling related harms. A decision as to the recipient is made on an annual basis.

As a result of the triggers set out above, where the Company becomes aware that a customer may be at risk of problem gambling, staff will provide the customer with responsible gambling information including the option to have a time-out from gambling or to self-exclude, or other options such as GAMSTOP.

The Company's procedure include staff monitoring customer activity and interacting early and quickly in order to minimise the risk of customers experiencing harms associated with gambling. This takes into account the following 3 key outcomes:

- **Identifying** anyone who appears to be gambling beyond their means or displays behaviour such as agitation distress intimidation or aggression that may indicate problem gambling. Staff are trained to know the
- **Interacting** with anyone displaying signs of problem gambling by first asking them if they are open to a discussion about their behaviour and offering the following:
 - Taking a break from gambling;
 - Setting a limit on the time spent gambling;
 - Setting a limit on the amount that they spend on gambling;
 - Suggesting they play on a lower stake machine;
 - Self-exclusion;
 - Stay in Control Leaflet';
 - The use of a play diary to monitor their gambling;
 - Use of a Gambling Management App such as Gamblewise and Playright;
 - Information on how to contact to Gamcare for further help;
 - Taking a 'Time Out'.
- **Evaluating** the outcome of the interaction by monitoring the customer's behaviour/gambling activity to see if the advice has been followed and whether there has been a positive change. This should normally be done on a monthly basis and after a self-excluder opts to start gambling again. Where there are any further concerns about irresponsible gambling (even if triggers are not hit) further interaction will take place.

The Company acknowledges that staff have an important role in reducing the risk of customers suffering harm associated with gambling. The Company's training includes providing staff with the necessary tools, skill, and support to monitor customer activity and behaviour and interact at the earliest opportunity. Staff are trained to know regular customers gambling habits and to recognise any changes that might indicate a problem. Staff are also trained to observe new customers for any signs of problem gambling.

The Company recognises that customers should be protected at all times and monitors footfall to ensure that adequate staffing is available to cover busier periods.

Record Keeping

The Company will maintain records of all customer interactions through its paper/electronic logs, including details of when an interaction was considered and ruled out and if an interaction took place at a later date. Details will include:-

- the behaviour or activity before the interaction;
- the change in behaviour or prompt for the interaction
- what form the interaction took including any advice or suggestions;
- the outcome of the interaction.

Customers will be encouraged to provide their name and any other information considered necessary to provide further help and support and identify previous interactions. Personal data held by the Company will be in accordance with the requirements of the Data Protection Act 2018.

Training

Staff will receive training on the Company's Social Responsibility Policy and Procedures on induction and then at least annually on how to identify customers at risk, how to interact with customers, depending on the circumstances and to evaluate whether the interaction has been effective. Training will either be provided in-house by senior management.

Staff will be monitored to ensure that they have understood the training and implemented the procedures. Additional training and remedial training will be provided when considered necessary.

Responsible Gambling Information

The Company provides information to its customers through prominently posters and leaflets, on how to gamble responsibly including how to monitor and control gambling such as:-

- restricting the amount of time spent gambling;
- restricting the amount of money they can spend;
- self-exclusion.

The Company provides information to its customers through prominently posters and leaflets, on how to access further help and advice for problem gambling. The information is:-

- displayed in all places where gambling facilities are provided and adjacent to any ATMs;
- available in a form that can be taken away;
- located where customers can obtain it discreetly;

Self-exclusion

The Company understands that whilst most customers are able to enjoy and control their gambling, it has a duty of care to those who cannot. The Company therefore provides a self-exclusion facility for customers on request.

Self-exclusion is a last resort for customers looking to address their needs around problem gambling. Staff will engage in the customer interaction process where it may be deemed necessary to self-exclude. Sufficient information should be provided so that the consequences of the process are fully understood.

Self-exclusion is for a fixed period of time, that lasts for a minimum of six months; customers can request extensions to their self-exclusion for one or more periods of six months.

The Company will make arrangements for customers to self-exclude without entering its Premises but require a face-to-face meeting with the customer. Customers are given an explanation, where possible in private, about the consequences of the self-exclusion. The Company will take into account any specific requests from customers such as where they live, work and travel to gamble and encourage customers to self-exclude from other local sites.

Customers are given the opportunity to self-exclude immediately and informed that the Company does not permit a cooling off period. If the customer wishes to consider self-exclusion further, they may return to initiate self-exclusion at a later date.

Customers are informed that self-exclusion has as immediate effect once initiated and lasts a minimum of 6 months; customers can extend a period of self-exclusion on request by periods of a minimum of 6 months.

A Self-Exclusion Request form will be completed, and the customer asked to assist by providing an up-to-date photograph showing a good likeness. A copy of the self-exclusion form will be given to the customer together with information on counselling and support services; a copy will be retained on site for the duration of the exclusion and a further 6 months.

The Company is enrolled in and a participant of the IHL SmartExclusion multi-operator self-exclusion scheme and customers self-excluding from the Premises will also be informed of the scheme and encouraged to participate.

An entry of the self-exclusion is made in the self-exclusion log and recorded on the Company's next annual regulatory return. The customer's details will be removed from any marketing data base to ensure that no marketing materials are sent to the customer during the period of self-exclusion.

The Company has taken into account its structure and layout in order to prevent access by self-excluders, monitoring of the entrance by staff and using CCTV. Self-excluders will be removed if found gambling or attempting to gamble at the premises and staff are informed of breach alerts on site and at other locations through MOSES.

Staff are also trained to be alert to a self-excluder asking a third party to gamble on their behalf although it is acknowledged that this is often difficult to identify.

At the end of the self-exclusion period the exclusion will remain in place for a further 6 months unless the customer takes positive action in order to gamble again. This process is known as reinstatement and will normally take place in person. The Company is not required to make an assessment as to whether a reinstatement should take place, but staff are required to check that the person has considered the implication of their return to gambling.

Where a customer chooses to reinstate and return to gambling, they are subject of a 24hr cooling-off period. The self-exclusion will only end at the end of 'cooling off' period and staff are trained not to permit entry to the Premises to anyone during their self-exclusion period and to immediately remove any self-excluded customer.

Assessment of Social Responsibility Policy and Procedure

The Company assess customer interactions to evaluate the effectiveness of its policy and procedures. Indicators of an effective policy will include:

- Customer retention
- Reduction in complaints
- Increased staff awareness
- An increase in the number of interactions recorded and the quality of the records.

Managers are required to monitor and assess staff interactions and provide additional training where deemed appropriate. Managers are also required to regularly check the Customer Interaction log to ensure that staff are recording all interactions and take appropriate steps to reinforce the need for all interactions to be recorded.

The Company will regularly review this policy and procedures and where it identifies areas for improvement changes will be made and implemented. These will be backed up by additional staff training and monitoring to ensure the changes have been embedded.

Staff Gambling Policy

It is the Company's policy that no member of staff is permitted to gamble on the Premises. This is to protect both the Company and employees against any issues that can arise from the effect of problem gambling.

Should the Company become aware of any staff member breaching these rules, the staff will be dealt with under the Company's disciplinary procedure, and which may result in sanctions including dismissal.

The Company is committed to protecting staff in the event of any gambling issues brought to his attention by an employee or a member of their close family. If the Company becomes aware of a member of staff with a gambling problem, he will suggest the staff member seek help through GamCare on 0808 8020 133 and will offer the same support by way of leaflets, and contact numbers that is provided to customers.

Local Area Risk Assessment

The Company understands its obligation under SR Code 10.1.1 to and will carry out a local risk assessment for each premise that it operates. Such local risk assessment will be reviewed from time to time if the Company identifies any changes in circumstances. The Company will also share its local risk assessment with the local authority when applying for a new premises licence or when applying to vary or transfer an existing premises licence.

IMPLEMENTING, REVIEWING AND ASSESSING POLICIES AND PROCEDURES

The Company will keep up to date with the gambling industry and changes to LCCPs via regular visits to the Gambling Commission website and will subscribe to the Gambling Commission's fortnightly E-Bulletin.

The Company will ensure that all policies are implemented and undertake regular checks to ensure that they are still adhered to. Staff are given training by senior member of the team on induction as to the Company's policies and they are asked to sign a log to confirm their understanding. Training includes information on the contents of these policies including:

- The protection of the business from being a source of crime and disorder;
- Anti-money laundering;
- Ensuring fair and open gambling;
- Protection of children and vulnerable people;
- Ensuring the promotion of Social Responsibility in gambling.

Existing staff are required to review and re-familiarise themselves with the current policies and procedures at least once every six months. Staff will be constantly monitored to ensure they have understood the training. Further individual training is given if there has been a breach of any policy and/or when felt necessary to ensure staff are kept up to date with legislation and regulatory requirements.

Where changes to LCCPs are implemented, the Company will reviewing the existing policies to ensure that they are still compliant and meet with the current LCCPs. Where changes are necessary these will be made as soon as is reasonably practicable and additional staff training will take place where necessary.

The Company will review the policies at any time that there is found to have been a breach of compliance and will put in place any necessary measures to prevent a further breach and will arrange for any further staff training necessary.

ANNEX B – THE LICENCE CONDITIONS AND CODES OF PRACTICE
APPLICABLE TO THE ARCADE SECTOR

Extract of Licence Conditions and Codes of Practice (LCCP) for Arcades

Version effective from 29 July 2026

1.1.1 - Qualified persons – qualifying position

Applies to:

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

1. In this condition the terms ‘small-scale operator’, ‘qualifying position’ and ‘qualified person’ have the meanings respectively ascribed to them by the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006¹.
2. Schedule X² lists those individuals notified to the Commission as qualified persons.
3. If, whilst the licensee remains a small-scale operator, an individual begins or ceases to occupy a qualifying position in relation to the licensee, the licensee must within 28 days apply to the Commission under section 104(1)(b) of the Act³ for amendment of the details of the licence set out in Schedule X.
4. An application for amendment under section 104(1)(b) of the Act may be made in advance of an individual beginning or ceasing to occupy a qualifying position provided it specifies the date from which the change to which it relates is to be effective.
5. In this condition ‘qualified person’ has the same meaning as in the Gambling Act 2005(Definition of Small-scale Operator) Regulations 2006.

¹ [Gambling Act 2005 \(Definition of Small-scale Operator\) Regulations 2006](#)(opens in new tab).

² The schedules mentioned here will be attached to individual licences.

³ [Section 104\(1\)\(b\) of the Act](#) (opens in new tab)

4.2.1 - Disclosure to customers

Applies to:

All operating licences, except gaming machine technical, gambling software, host, ancillary remote bingo, and ancillary remote casino licences. Paragraph 3 does not apply to any lottery licences except where the holder of which provides facilities for participation in instant win¹ or high frequency² lotteries.

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

c. any crystallised but as yet unpaid loyalty or other bonuses, in each case irrespective of whether the licensee is a party to the gambling contract.

¹ An instant win lottery is defined as "A lottery in which every draw takes place either before, or at the point of, purchase of tickets by participants in the lottery" (RTS).

² A high frequency lottery is defined as "A lottery in which any draw takes place less than one hour after a draw in a previous lottery promoted on behalf of the same non-commercial society or local authority or as part of the same multiple lottery scheme." (Remote gambling and software technical standards (RTS)).

5.1.1 - Cash and cash equivalents

Applies to:

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

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

6.1.1 - Provision of credit

Applies to:

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

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

7.1.1 - Fair and transparent terms and practices

Applies to:

All operating licences except gaming machine technical and gambling software licences.

1. Licensees must ensure that the terms on which gambling is offered, and any consumer notices relating to gambling activity, are not unfair within the meaning of the Consumer Rights Act 2015¹. Licensees must comply with those terms.
2. The contractual terms on which gambling is offered and any consumer notices relating to gambling activity must be transparent within the meaning of the Consumer Rights Act 2015. The contractual terms on which gambling is offered must be made available to customers in an easily accessible way.
3. Licensees must ensure that changes to customer contract terms comply with the fairness and transparency requirements under the Consumer Rights Act 2015. Customers must be notified of material changes to terms before they come into effect.
4. Licensees must ensure that they do not commit any unfair commercial practices within the meaning of the Digital Markets, Competition and Consumers Act 2024² at any stage of their interactions with consumers.

¹ [Consumer Rights Act 2015 \(opens in new tab\)](#).

² [Digital Markets, Competition and Consumers Act 2024 \(opens in new tab\)](#).

12.1.1 - Anti-money laundering - Prevention of money laundering and terrorist financing

Applies to:

All operating licences except gaming machine technical and gambling software licences.

1. Licensees must conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes of circumstances, including the introduction of new products or technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.
2. Following completion of and having regard to the risk assessment, and any review of the assessment, licensees must ensure they have appropriate policies, procedures and controls to prevent money laundering and terrorist financing.
3. Licensees must ensure that such policies, procedures and controls are implemented effectively, kept under review, revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidelines published by the Gambling Commission¹ from time to time.

¹ [Guidelines on the prevention of money laundering and combating the financing of terrorism \(opens in new tab\)](#)

14.1.1 - Access to premises

Applies to:

All operating licences.

1. Licensees must have and put into effect policies and procedures (including staff training programmes) designed to ensure that their staff co-operate with the Commission's enforcement officers in the proper performance of their compliance functions and are made aware of those officers' rights of entry to premises contained in Part 15 of the Act¹.

¹ [Part 15 of the Gambling Act 2005 \(opens in new tab\)](#).

15.1.1 - Reporting suspicion of offences etc – non-betting licences

Applies to:

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

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

Read additional [guidance on the information requirements](#) contained within this section.

¹ These matters are to be reported to us online via our '[eServices](#)' digital service on our website

15.1.3 - Reporting of systematic or organised money lending

Applies to:

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

1. Licensees must as soon as reasonably practicable, in such form or manner as the Commission may from time to time specify, provide the Commission with any information relating to cases where they encounter systematic, organised or substantial money lending between customers on their premises, in accordance with the ordinary code provisions on money lending between customers.¹

Read additional [guidance on the information requirements](#) contained within this section.

¹ These matters are to be reported to us online via our '[eServices](#)' digital service on our website

15.2.1 - Reporting key events

Applies to:

All operating licences.

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

Operator status

1. Any of the following applying to a licensee, any person holding a key position for a licensee, a group company or a shareholder or member (holding 5% or more of the issued share capital of the licensee or its holding company):
 - presenting of a petition for winding up
 - making of a winding up order
 - entering into administration or receivership
 - bankruptcy (applying to individuals only)
 - sequestration (applicable in Scotland), or
 - an individual voluntary arrangement.

Relevant persons and positions

2. In the case of licensees who are companies, bodies corporate or other legal entities (but excluding society lottery licensees where stated), the name and address of any person or entity who (whether or not already a shareholder):
 - a. becomes a shareholder holding 5 percent or more of the issued share capital of the licensee or its holding company; or
 - b. controls 5 percent or more of the voting rights of the licensee or its holding company, excluding society lottery licensees; or

- c. is entitled to 5 percent or more of the dividends or profits of the licensee, excluding society lottery licensees.
- 3. The taking of any loan by the licensee, or by a group company who then makes an equivalent loan to the licensee, from any person not authorised by the Financial Conduct Authority: a copy of the loan agreement, if any, must be supplied.
- 4. The appointment of a person to, or a person ceasing to occupy, a 'key position' (including leaving one position to take up another). A 'key position' in relation to a licensee is:
 - a. in the case of a small-scale operator, a 'qualifying position' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006²
 - b. in the case of an operator which is not a small-scale operator, a 'specified management office' as set out in (current) LCCP licence condition 1.2
 - c. a position where the holder of which has overall responsibility for the licensee's anti-money laundering and/or terrorist financing compliance, and/or for the reporting of known or suspected money laundering or terrorist financing activity.
 - d. any other position for the time being designated by the Commission as a 'key position'. (Notification is required whether or not the person concerned is required to hold a personal management licence and whether or not the event notified requires the licensee to apply for a variation to amend a detail of their licence.)

Financial events

- 5. Any material change in the licensee's banking arrangements, in particular the termination of such arrangements or a particular facility and whether by the licensee or the provider of the arrangements.
- 6. Any breach of a covenant given to a bank or other lender.
- 7. Any default by the licensee or, where the licensee is a body corporate, by a group company in making repayment of the whole or any part of a loan on its due date.
- 8. Any change in the licensee's arrangements as to the methods by which, and/or the payment processors through which, the licensee accepts payment from customers using their gambling facilities (this key event applies to remote casino, bingo and betting operating licences, except ancillary and remote betting intermediary (trading room only) licences).

Legal or regulatory proceedings or reports

9. The grant, withdrawal or refusal of any application for a licence or other permission made by the licensee, or in the case of a licensee which is a body corporate, any group company of theirs, to a gambling regulator in another jurisdiction. In the case of a withdrawal or refusal of the application, the licensee must also notify the reasons for such withdrawal or refusal. (This condition does not apply to applications for licences or other permissions to carry on activities which would fall outside the scope of a Gambling Commission operating licence if carried out in Britain or with customers in Great Britain.)
10. Any investigation by a professional, statutory, regulatory or government body (in whatever jurisdiction) into the licensee's activities, or the activities of a person in a 'key position', where such an investigation could result in the imposition of a sanction or penalty which could reasonably be expected to raise doubts about the licensee's continued suitability to hold a Gambling Commission licence.
11. Any criminal investigation by a law enforcement agency in any jurisdiction in which the licensee, or a person in a 'key position' related to the licensee, is involved and where the Commission might have cause to question whether the licensee's measures to keep crime out of gambling had failed.
12. The referral to the licensee's Board, or persons performing the function of an audit or risk committee, of material concerns raised by a third party (such as an auditor, or a professional, statutory or other regulatory or government body (in whatever jurisdiction)) about the provision of facilities for gambling: a summary of the nature of the concerns must be provided.
13. The imposition by the licensee of a disciplinary sanction, including dismissal, against the holder of a personal licence or a person occupying a qualifying position for gross misconduct; or the resignation of a personal licence holder or person occupying a qualifying position following commencement of disciplinary proceedings in respect of gross misconduct against that person.
14. The commencement (in whatever jurisdiction) of any material litigation against the licensee or, where the licensee is a body corporate, a group company: the licensee must also notify the outcome of such litigation.
15. The making of a disclosure pursuant to section 330, 331, 332 or 338 of the Proceeds of Crime Act 2002³ or section 19, 20, 21, 21ZA, 21ZB or 21A of the Terrorism Act 2000⁴ (a suspicious activity report): the licensee should inform the Commission of the unique reference number issued by the United Kingdom Financial Intelligence Unit of the National Crime Agency⁵ in respect of each disclosure and for the purposes of this key event the five working day period

referred to above runs from the licensee's receipt of the unique reference number. The licensee should also indicate whether the customer relationship has been discontinued at the time of the submission.

Gambling facilities

16. Any security breach to the licensee's environment that adversely affects the confidentiality of customer data; or prevents the licensee's customers, staff, or legitimate users from accessing their accounts for longer than 12 hours.
17. Where a gaming system fault has resulted in under or overpayments to a player (this includes instances where a fault causes an incorrect prize/win value to be displayed).
18. In the case of remote gambling, the commencement or cessation of trading on website domains (including mobile sites or mobile device applications) or broadcast media through which the licensee provides gambling facilities (including domains covered by 'white label' arrangements). In this condition: 'body corporate' has the meaning ascribed to that term by section 1173 of the Companies Act 2006⁶ or any statutory modification or re-enactment thereof
 - a. in respect of a company, 'holding company' and 'subsidiary' have the meaning ascribed to that term by section 1159 of the Companies Act 2006⁷ or any statutory modification or re-enactment thereof
 - b. a 'group company' is any subsidiary or holding company of the licensee and any subsidiary of such holding company.

Read additional [guidance on the information requirements](#) contained within this section.

¹ Key events are to be reported to us online via the ['eServices'](#) (opens in new tab) digital service on our website.

² [Gambling Act 2005 \(Definition of Small-scale Operator\) Regulations 2006](#) (opens in new tab).

³ [Proceeds of Crime Act 2002](#) (opens in new tab)

⁴ [Terrorism Act 2000](#) (opens in new tab).

⁵ [United Kingdom Financial Intelligence Unit of the National Crime Agency](#) (opens in new tab)

⁶ [Section 1173 of the Companies Act 2006 \(opens in new tab\)](#).

⁷ [Section 1159 of the Companies Act 2006 \(opens in new tab\)](#).

15.2.2 - Other reportable events

Applies to:

All operating licences.

1. Licensees must also notify the Commission in such form or manner as the Commission may from time to time specify, as soon as reasonably practicable of the occurrence of any of the following events¹:
 - a. any material change in the licensee's arrangements for the protection of customer funds in accordance with licence condition 4 (protection of customer funds) (where applicable)
 - b. any change in the identity of the ADR entity or entities for the handling of customer disputes, as required by the social responsibility code provision on complaints and disputes.
 - c. their becoming aware that a group company which is not a Commission licensee is advertising remote gambling facilities to those residing in a jurisdiction in or to which it has not previously advertised, or their becoming aware of a sustained or meaningful generation of 3% or 10% of group Gross Gambling Yield being exceeded by the group in that jurisdiction.
 - d. any actual or potential breaches by the licensee of the requirements imposed by or under Parts 7 or 8 of the Proceeds of Crime Act 2002², or Part III of the Terrorism Act 2000³, or any UK law by which those statutes are amended or superseded.
2. The licensee must notify the Commission, as soon as reasonably practicable, if it knows or has reasonable cause to suspect that a person who has gambled with it has died by suicide, whether or not such suicide is known or suspected to be associated with gambling. Such notification must include the person's name and date of birth, and a summary of their gambling activity, if that information is available to the licensee.

In this condition:

- a. 'group company' has the same meaning as in condition 15.2.1; and

- b. without prejudice to section 327 of the Gambling Act 2005⁴, 'advertising' includes: having a home page directed towards a jurisdiction and written in, or in one of, that jurisdiction's official language(s), having arrangements enabling that jurisdiction's currency to be selected for gambling or the use of payment methods available only in that jurisdiction, and providing a specific customer service facility referable to that jurisdiction.

Read additional [guidance on the information requirements](#) contained within this section.

¹ Key events are to be reported to us online via the ['eServices'](#) ([opens in new tab](#)) digital service on our website.

² [Proceeds of Crime Act 2002](#) ([opens in new tab](#))

³ [Part III of the Terrorism Act 2000](#) ([opens in new tab](#))

⁴ [Section 327 of the Gambling Act 2005](#) ([opens in new tab](#))

15.3.1 - General and regulatory returns

Applies to:

All operating licences.

On request, licensees must provide the Commission with such information as the Commission may require, in such a form or manner as the Commission may from time-to-time specify, about the use made of facilities provided in accordance with this licence and the manner in which gambling authorised by this licence and the licensee's business in relation to that gambling are carried on.

In particular within 28 days of the end of each quarterly period licensees must submit an accurate Regulatory Return to the Commission containing such information as the Commission may from time to time specify.

¹Regulatory returns are to be submitted to us online via the [‘eServices’](#) digital service on our website.

18.1.1 - Removal of non-compliant gaming machines

Applies to:

All non-remote casino, bingo, betting, adult gaming centre and family entertainment centre licences.

1. Licensees must not make a specified gaming machine available for use in reliance on the licence if the Commission has notified the licensee in writing that the manufacture, supply, installation, adaption, maintenance or repair of the machine:
 - a. was not carried out in reliance on a gaming machine technical operating licence, or
 - b. did not comply with the Commission's gaming machine technical standards.

Ordinary code

These do not have the status of operator licence conditions but set out good practice. Operators may adopt alternative approaches to those set out in ordinary code provisions if they have actively taken account of the ordinary code provision and can demonstrate that an alternative approach is reasonable in the operator's particular circumstances; or that to take an alternative approach would be acting in a similarly effective manner.

Ordinary codes of practice are admissible in evidence in criminal or civil proceedings and must be taken into account in any case in which the court or tribunal think them relevant, and by the Commission in the exercise of its functions; any departure from ordinary code provisions by an operator may be taken into account by the Commission on a licence review, but cannot lead to imposition of a financial penalty.

Social responsibility code

Compliance with these is a condition of licences; therefore any breach of them by an operator may lead the Commission to review the operator's licence with a view to suspension, revocation or the imposition of a financial penalty and would also expose the operator to the risk of prosecution.

1.1.1 - Cooperation with the Commission

Ordinary code

Applies to:

All licences.

1. As made plain in its Statement of principles for licensing and regulation¹, the Commission expects licensees to conduct their gambling operations in a way that does not put the licensing objectives at risk, to work with the Commission in an open and cooperative way and to disclose anything which the Commission would reasonably need to be aware of in exercising its regulatory functions. This includes, in particular, anything that is likely to have a material impact on the licensee's business or on the licensee's ability to conduct licensed activities compliantly. Licensees should have this principle in mind in their approach to, and when considering their compliance with, their obligations under the conditions attached to their licence and in relation to the following provisions of this code.

¹ [Statement of principles for licensing and regulation \(opens in new tab\)](#)

1.1.2 - Responsibility for third parties – all licences

Social responsibility code

Applies to:

All licences.

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

1.1.3 - Responsibility for third parties – remote

Social responsibility code

Applies to:

All remote licences.

1. Remote licensees must ensure in particular:

- a. that third parties who provide user interfaces enabling customers to access their remote gambling facilities:
 - i. include a term that any such user interface complies with the Commission's technical standards for remote gambling systems¹; and
 - ii. enable them, subject to compliance with any dispute resolution provisions of such contract, to terminate the third party's contract promptly if, in the licensee's reasonable opinion, the third party is in breach of that term.

¹ [Remote gambling and software technical standards \(opens in new tab\)](#)

2.1.2 - Anti-money laundering – other than casino

Ordinary code

Applies to:

All licences except casino licences.

1. As part of their procedures for compliance with the requirements in respect to the prevention and detection of money laundering in the Proceeds of Crime Act 2002¹ and the Terrorism Act 2000², licensees should take into account the Commission's advice on the Proceeds of Crime Act 2002, *Duties and responsibilities under the Proceeds of Crime Act 2002 – Advice for operators³ (excluding casino operators). *

¹ [Proceeds of Crime Act 2002 \(opens in new tab\)](#)

² [Terrorism Act 2000 \(opens in new tab\)](#)

³ [Proceeds of Crime Act 2002 – Advice for operators \(opens in new tab\)](#)

3.1.1 - Combating problem gambling

Social responsibility code

Applies to:

All licences.

1. Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling including the specific policies and procedures required by the provisions of section 3 of this code.

3.2.3 - AGC SR code

Social responsibility code

Applies to:

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. All licensees must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Gambling Commission, in such a form or manner as the Commission may from time to time specify.

Read additional [guidance on the information requirements](#) contained within this section.

3.2.4 - AGC ordinary code

Ordinary code

Applies to:

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 25.
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 Commission¹ and the police, and making available information on problem gambling.
5. In providing training to staff on their responsibilities for preventing underage gambling, licensees should have, as a minimum, policies for induction training and refresher training.

Read additional [guidance on the information requirements](#) contained within this section.

¹ These matters are to be reported to us online via our '[eServices](#)' digital service on our website.

3.2.5 - Bingo and FEC SR code

Social responsibility code

Applies to:

All non-remote bingo and family entertainment centre licences.

1. Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.
2. This must include procedures for:
 - a. checking the age of apparently underage customers
 - b. refusing entry to any adult-only areas to anyone unable to produce an acceptable form of identification
 - c. taking action when there are unlawful attempts to enter the adult-only areas.
3. Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises.
4. Licensees must not permit children or young people to gamble in the adults-only areas of premises to which they have access. If there is a 'no under-18s' premises policy, licensees must pay particular attention to the procedures they use at the entrance to the premises to check customers' ages.
5. Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This must include appropriate training which must cover:
 - a. all relevant prohibitions against inviting children or young persons to gamble on age-restricted products or to enter age-restricted areas;
 - b. the legal requirements on returning stakes and not paying prizes to underage customers; and
 - c. procedures for challenging any adult who may be complicit in allowing a child or young person to gamble.

6. Licensees must only accept identification which:

- a. contains a photograph from which the individual can be identified
- b. states the individual's date of birth
- c. is valid
- d. is legible and has no visible signs of tampering or reproduction.

7. All licensees must conduct test purchasing or take part in collective test purchasing programmes, as a means of providing reasonable assurance that they have effective policies and procedures to prevent underage gambling, and must provide their test purchase results to the Commission, in such a form or manner as the Commission may from time to time specify.

Read additional [guidance on the information requirements](#) contained within this section.

3.2.6 - Bingo and FEC ordinary code

Ordinary code

Applies to:

All non-remote bingo and family entertainment centre licences.

1. The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a military identification card; a driving licence (including a provisional licence) with photocard; or a passport.
2. Licensees should require a person who appears to relevant staff to be under the age of 25 to be asked to produce proof of age, either at the point of entry to the gambling area or as soon as it comes to the attention of staff that they wish to access gambling facilities.
3. Licensees should have procedures for dealing with cases where an adult knowingly or recklessly allows a child or young person to gamble. These procedures might include refusing to allow the adult to continue to gamble, removing them from the premises, and reporting the incident to the police or local authorities, or taking action where forged identification is produced.
4. Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on their premises, including oral warnings, reporting the offence to the Gambling Commission¹ and the police, and making available information on problem gambling to the child or young person concerned.
5. Where it is likely that customers' young or otherwise vulnerable children will be left unattended on or adjacent to their premises, licensees should consider reminding customers of their parental responsibilities and assess whether there is a need to develop procedures for minimising the risk to such children.
6. 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.

Read additional [guidance on the information requirements](#) contained within this section.

¹ These matters are to be reported to us online via our '[eServices](#)' digital service on our website.

3.2.11 - Remote SR code

Social responsibility code

Applies to:

All remote licences (including ancillary remote betting licences in respect of bets made or accepted by telephone or email), except lottery licences, gaming machine technical, gambling software, host, ancillary remote casino, and ancillary remote bingo licences.

1. Licensees must have and put into effect policies and procedures designed to prevent underage gambling and monitor the effectiveness of these.
2. Such procedures must include:
 - a. Verifying the age of a customer before the customer is able to:
 - i. deposit any funds into their account;
 - ii. access any free-to-play versions of gambling games that the licensee may make available; or
 - iii. gamble with the licensee using either their own money or any free bet or bonus.
 - b. warning potential customers that underage gambling is an offence;
 - c. regularly reviewing their age verification systems and implementing all reasonable improvements that may be made as technology advances and as information improves;
 - d. ensuring that relevant staff are properly trained in the use of their age verification procedures; in particular customer services staff must be appropriately trained in the use of secondary forms of identification when initial verification procedures fail to prove that an individual is of legal age; and
 - e. enabling their gambling websites to permit filtering software to be used by adults (such as parents or within schools) in order to restrict access to relevant pages of those sites.

3.2.12 - Remote ordinary code

Ordinary code

Applies to:

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

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

3.3.1 - Responsible gambling information

Social responsibility code

Applies to:

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

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

3.3.2 - Foreign languages

Ordinary code

Applies to:

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

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

3.3.4 - Remote time-out facility

Social responsibility code

Applies to:

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

1 Licensees must offer a 'time out' facility for customers for the following durations:

- a. 24 hours
- b. one week
- c. one month or
- d. such other period as the customer may reasonably request, up to a maximum of 6 weeks.

3.4.1 - Premises-based customer interaction

Social responsibility code

Applies to:

All non-remote licences (except non-remote lottery, gaming machine technical, gambling software and host licences); only the following remote licences – ancillary remote bingo, ancillary remote casino, ancillary remote betting, remote general betting limited, and remote betting intermediary (trading rooms only).

1. Licensees must interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling. This must include:
 - a. identifying customers who may be at risk of or experiencing harms associated with gambling.
 - b. interacting with customers who may be at risk of or experiencing harms associated with gambling.
 - c. understanding the impact of the interaction on the customer, and the effectiveness of the Licensee's actions and approach.
2. Licensees must take into account the Commission's guidance on customer interaction¹.

¹ [Customer interaction: formal guidance for premises-based operators \(opens in new tab\)](#)

3.5.1 - Self exclusion – Non-remote and trading rooms SR code

Social responsibility code

Applies to:

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

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

- a. a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
 - b. photo identification (except where the Licensee can reasonably satisfy themselves that in the circumstances in which they provide facilities for gambling an alternative means of identification is at least as effective) and a signature;
 - c. staff training to ensure that staff are able to administer effectively the systems; and
 - d. the removal of those persons found in the gambling area or attempting to gamble from the premises.
7. Licensees must ensure that their procedures for preventing access to gambling by self-excluded individuals take account of the structure and layout of the gambling premises.
8. Licensees must, when administering the self-exclusion agreement, signpost the individual to counselling and support services.

3.5.2 - Self-exclusion – non-remote ordinary code

Ordinary code

Applies to:

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

1. Self-exclusion procedures should require individuals to take positive action in order to self-exclude. This can be a signature on a self-exclusion form.
2. Individuals should be able to self-exclude without having to enter gambling premises.
3. Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.
4. Licensees should take all reasonable steps to extend the self-exclusion to premises of the same type owned by the operator in the customer's local area. In setting the bounds of that area licensees may take into account the customer's address (if known to them), anything else known to them about the distance the customer ordinarily travels to gamble and any specific request the customer may make.
5. Licensees should encourage the customer to consider extending their self-exclusion to other licensees' gambling premises in the customer's local area.
6. Customers should be given the opportunity to discuss self-exclusion in private, where possible.
7. Licensees should take steps to ensure that:
 - a. the minimum self-exclusion period offered is of a duration of not less than 6 nor more than 12 months
 - b. any self-exclusion may, on request, be extended for one or more further periods of at least 6 months each
 - c. a customer who has decided to enter a self-exclusion agreement is given the opportunity to do so immediately without any cooling-off period. However, if the customer wishes to

consider the self-exclusion further (for example to discuss with problem gambling groups), the customer may return at a later date to enter into self-exclusion

- d. at the end of the period chosen by the customer, the self-exclusion remains in place for a further 6 months, unless the customer takes positive action in order to gamble again
- e. where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again during the 6 month period following the end of their initial self-exclusion, the customer is given one day to cool off before being allowed access to gambling facilities. The contact must be made via telephone or in person
- f. notwithstanding the expiry of the period of self-exclusion chosen by a customer, no marketing material should be sent to them unless and until they have asked for or agreed to accept such material.

- 8. The licensee should retain the records relating to a self-exclusion agreement at least for the length of the self-exclusion agreement plus a further 6 months.
- 9. Please note that the Commission does not require the licensee to carry out any particular assessment or make any judgement as to whether the previously self-excluded individual should again be permitted access to gambling. The requirement to take positive action in person or over the phone is purely to a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and b) implement the one day cooling-off period and explain why this has been put in place.
- 10. Licensees should have, and put into effect, policies and procedures which recognise, seek to guard against and otherwise address, the fact that some individuals who have self-excluded might attempt to breach their exclusion without entering a gambling premises, for example, by getting another to gamble on their behalf.
- 11. Licensees should have effective systems in place to inform all venue staff of self-excluded individuals who have recently attempted to breach a self-exclusion in that venue, and the licensees neighbouring venues.
- 12. In providing training to staff on their responsibilities for self-exclusion, licensees should have, as a minimum, policies for induction training and refresher training.

3.5.3 - Self-exclusion – remote SR code

Social responsibility code

Applies to:

All remote licences except: gaming machine technical, gambling software, host, ancillary remote bingo, ancillary remote casino, betting intermediary (trading room only) and remote betting (standard) (remote platform) licences. Paragraph 8 does not apply to ancillary remote betting licences, remote general betting (limited), or any remote lottery licence the holder of which does not provide facilities for participation in instant win lotteries.

1. Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
2. Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
3. Licensees must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group (or otherwise flag that person as an individual to whom marketing material must not be sent), within two days of receiving the completed self-exclusion notification.
4. This covers any marketing material relating to gambling. However, it would not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.
5. Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.
6. Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:

- a. a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
 - b. a record of the card numbers to be excluded;
 - c. staff training to ensure that staff are able to administer effectively the systems; and
 - d. the removal of access from those persons found to have gambled or who have attempted to gamble on the facilities.
7. Licensees must when administering the self-exclusion signpost the individual to counselling and support services.
8. Customers must be given the opportunity to self-exclude by contacting customer services and in addition by entering an automated process using remote communication. In order to avoid inadvertent self-exclusion it is acceptable for an automated process to include an additional step that requires the customer to confirm that they wish to self-exclude. The licensee must ensure that all staff who are involved in direct customer service are aware of the self-exclusion system in place, and are able to direct that individual to an immediate point of contact with whom/which to complete that process.

3.5.4 - Self-exclusion – Remote ordinary code

Ordinary code

Applies to:

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

1. Self-exclusion procedures should require individuals to take positive action in order to self-exclude:
 - a. over the internet; this can be a box that must be ticked in order to indicate that they understand the system
 - b. by telephone; this can be a direct question asking whether they understand the system.
2. Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.
3. Licensees should encourage the customer to consider extending their self-exclusion to other remote gambling operators currently used by the customer.
4. Within the licensee's information about self-exclusion policies, the licensee should provide a statement to explain that software is available to prevent an individual computer from accessing gambling internet sites. The licensee should provide a link to a site where further information is available.
5. Licensees should take all reasonable steps to ensure that:
 - a. the minimum self-exclusion period offered is of a duration of not less than 6 nor more than 12 months;
 - b. any self-exclusion may, on request, be extended for one or more further periods of at least 6 months;
 - c. the self-exclusion arrangements give customers the option of selecting a self-exclusion period of up to at least five years;

- d. a customer who has decided to enter a self-exclusion agreement is given the opportunity to do so immediately without any cooling-off period. However, if the customer wishes to consider the self-exclusion further (for example to discuss with problem gambling groups) the customer may return at a later date to enter into self-exclusion;
 - e. at the end of the period chosen by the customer, self-exclusion remains in place, for a minimum of 7 years, unless the customer takes positive action to gamble again;
 - f. where a customer chooses not to renew, and makes a positive request to begin gambling again, during the 7 year period following the end of their initial self-exclusion, the customer is given one day to cool off before being allowed to access gambling facilities. Contact must be made via phone or in person; re-registering online is not sufficient; and
 - g. notwithstanding the expiry of the period of self-exclusion chosen by a customer, no marketing material should be sent to them unless and until they have asked for or agreed to accept such material.
6. The licensee should retain the records relating to a self-exclusion agreement for as long as is needed to enable the self-exclusion procedures set out in paragraph 5 above to be implemented.
7. Please note that the Commission does not require the licensee to carry out any particular assessment or make any judgement as to whether the previously self-excluded individual should again be permitted access to gambling. The requirement to take positive action in person or over the phone is purely to a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and b) implement the one day cooling-off period and explain why this has been put in place.
8. In providing training to staff on their responsibilities for self-exclusion, licensees should have, as a minimum, policies for induction training and refresher training.

3.5.5 - Remote multi-operator SR code

Social responsibility code

Applies to:

All remote licences except: any remote lottery licence the holder of which does not provide facilities for participation in instant win lotteries, ancillary remote betting when relied upon to provide facilities for betting via a machine (commonly known as self-service betting terminals) on premises where a betting or track premises licence has effect, remote general betting (remote platform), remote betting intermediary (trading room only), gaming machine technical, gambling software, host, ancillary remote bingo, and ancillary remote casino licences.

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

3.5.6 - Multi-operator non-remote SR code

Social responsibility code

Applies to:

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

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

3.6.5 - AGCs

Ordinary code

Applies to:

All adult gaming centre licences.

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

3.6.6 - FECs

Ordinary code

Applies to:

All family entertainment centre licences.

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

3.8.2 - Money-lending – other than casinos

Ordinary code

Applies to:

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

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

3.9.1 - Identification of individual customers - remote

Social responsibility code

Applies to:

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

1. Licensees must have and put into effect policies and procedures designed to identify separate accounts which are held by the same individual.
2. Where licensees allow customers to hold more than one account with them, the licensee must have and put into effect procedures which enable them to relate each of a customer's such accounts to each of the others and ensure that:
 - a. if a customer opts to self-exclude they are effectively excluded from all gambling with the licensee unless they make it clear that their request relates only to some forms of gambling or gambling using only some of the accounts they hold with the licensee;
 - b. all of a customer's accounts are monitored and decisions that trigger customer interaction are based on the observed behaviour and transactions across all the accounts;
 - c. where credit is offered or allowed the maximum credit limit is applied on an aggregate basis across all accounts; and
 - d. individual financial limits can be implemented across all of a customer's accounts.
3. Licensees which are companies or other bodies corporate must take all reasonable steps to comply with the above provision as if reference to a customer holding more than one account with them included a reference to a customer holding one or more accounts with them and one or more accounts with a group company.
4. A company is a 'group company' in relation to a licensee if it is the holding company of, subsidiary of, or shares a common holding company with, the licensee. For these purposes 'holding company' and 'subsidiary' have the meanings ascribed to them by section 1159 of the Companies Act 2006¹ or any statutory modification or re-enactment thereof.

¹ [Section 1159 of the Companies Act 2006 \(opens in new tab\)](#).

4.1.1 - Fair terms

Social responsibility code

Applies to:

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

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

5.1.1 - Rewards and bonuses – SR code

Social responsibility code

Applies to:

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

1. The following applies where a licensee makes available to any customer, or potential customer, an incentive or reward scheme or other arrangement under which a customer may receive money, goods, services or any other advantage (including the discharge in whole or in part of any liability of his) ('the benefit').
2. Licensees must:
 - a. Set out terms and conditions, in relation to an incentive, which are clear, transparent, and fair and readily accessible to any customer or potential customer to whom it is offered.
3. Licensees must not:
 - a. Apply wagering requirements, which requires a customer to play through bonus funds, over a maximum of 10 times. A wagering requirement is where a customer is required to make wagers totalling a particular value for funds to become withdrawable.
 - b. Include more than one type of gambling product (betting, casino, bingo, and lottery) within an incentive.
 - c. Alter or increase the receipt or the value, or amount of the incentive if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered.
 - d. Construct incentives where, if the benefit comprises of free or subsidised travel or accommodation which encourages the customer's attendance at a particular licensed premises, it is offered on terms that directly relate to the level of the customer's prospective gambling.
4. If a licensee makes available an incentive or reward scheme for customers, designated by the licensee as 'high value', 'VIP' or equivalent, it must be offered in a manner which is consistent

with the licensing objectives.

5. Licensees must take into account the Commission's guidance on high value customer incentives¹.

¹ [Guidance on high value customer incentives \(opens in new tab\)](#).

5.1.2 - Proportionate rewards

Ordinary code

Applies to:

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

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

5.1.6 - Compliance with advertising codes

Social responsibility code

Applies to:

All licences, except lottery licences.

1. All marketing of gambling products and services must be undertaken in a socially responsible manner.
2. In particular, Licensees must comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP)¹ and the Broadcast Committee of Advertising Practice (BCAP)² as applicable. For media not explicitly covered, licensees should have regard to the principles included in these codes of practice as if they were explicitly covered.
3. The restriction on allowing people who are, or seem to be, under 25 years old (that is, those in the 18-24 age bracket) to appear in marketing communications need not be applied in the case of non-remote point of sale advertising material, provided that the images used depict the sporting or other activity that may be gambled on and not the activity of gambling itself and do not breach any other aspect of the advertising codes.

¹ [Committee of Advertising Practice \(opens in new tab\)](#).

² [Broadcast Committee of Advertising Practice \(opens in new tab\)](#).

5.1.8 - Compliance with industry advertising codes

Ordinary code

Applies to:

All licences.

1. Licensees should follow any relevant industry code on advertising, notably the Gambling Industry Code for Socially Responsible Advertising¹.

¹ [Gambling Industry Code for Socially Responsible Advertising \(opens in new tab\)](#).

5.1.9 - Other marketing requirements

Social responsibility code

Applies to:

All licences.

1. Licensees must ensure that their marketing communications, advertisements, and invitations to purchase (within the meaning of the Digital Markets, Competition and Consumers Act 2024¹) do not amount to or involve misleading actions or misleading omissions within the meaning of this Act.
2. Licensees must ensure that all significant conditions which apply to marketing incentives are provided transparently and prominently to consumers. Licensees must present the significant conditions at the point of sale for any promotion, and on any advertising in any medium for that marketing incentive except where, in relation to the latter, limitations of space make this impossible. In such a case, information about the significant conditions must be included to the extent that it is possible to do so, the advertising must clearly indicate that significant conditions apply and where the advertisement is online, the significant conditions must be displayed in full no further than one click away.
3. The terms and conditions of each marketing incentive must be made available for the full duration of the promotion.

¹ [Digital Markets, Competition and Consumers Act 2024 \(opens in new tab\)](#)

5.1.10 - Online marketing in proximity to information on responsible gambling

Ordinary code

Applies to:

All licences.

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

5.1.11 - Direct electronic marketing consent

Social responsibility code

Applies to:

All licences.

1. Unless expressly permitted by law consumers must not be contacted with direct electronic marketing without their informed and specific consent. Whenever a consumer is contacted the consumer must be provided with an opportunity to withdraw consent. If consent is withdrawn the licensee must, as soon as practicable, ensure the consumer is not contacted with electronic marketing thereafter unless the consumer consents again. Licensees must be able to provide evidence which establishes that consent.

6.1.1 - Complaints and disputes

Social responsibility code

Applies to:

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

1. Licensees must put into effect appropriate policies and procedures for accepting and handling customer complaints and disputes in a timely, fair, open and transparent manner.
2. Licensees must ensure that they have arrangements in place for customers to be able to refer any dispute to an ADR entity in a timely manner if not resolved to the customer's satisfaction by use of their complaints procedure within eight weeks of receiving the complaint, and where the customer cooperates with the complaints process in a timely manner.
3. The services of any such ADR entity must be free of charge to the customer.
4. Licensees must not use or introduce terms which restrict, or purport to restrict, the customer's right to bring proceedings against the licensee in any court of competent jurisdiction. Such terms may, however, provide for a resolution of a dispute agreed by the customer (arrived at with the assistance of the ADR entity) to be binding on both parties.
5. Licensees' complaints handling policies and procedures must include procedures to provide customers with clear and accessible information on how to make a complaint, the complaint procedures, timescales for responding, and escalation procedures.
6. Licensees must ensure that complaints policies and procedures are implemented effectively, kept under review and revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidance published by the Gambling Commission¹ from time to time.
7. Licensees should keep records of customer complaints and disputes and make them available to the Commission on request.

In this Code, 'ADR entity' means

- a. a person offering alternative dispute resolution services who has been granted accreditation by the Secretary of State under Chapter 4 of Part 4 of the Digital Markets, Competition and Consumers Act 2024².

Read additional [guidance on the information requirements](#) contained within this section.

¹ [Complaints and disputes: Guidance published by the Gambling Commission \(opens in new tab\)](#)

² [Digital Markets, Competition and Consumers Act 2024 \(opens in new tab\)](#)

7.1.2 - Responsible gambling information for staff

Social responsibility code

Applies to:

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

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

8.1.1 - Ordinary code

Ordinary code

Applies to:

All licences.

1. As stated earlier in this code, the Commission expects licensees to work with the Commission in an open and cooperative way and to inform the Commission of any matters that the Commission would reasonably need to be aware of in exercising its regulatory functions. These include in particular matters that will have a material impact on the licensee's business or on the licensee's ability to conduct licensed activities compliantly and consistently with the licensing objectives.
2. Thus, licensees should notify the Commission, or ensure that the Commission is notified, as soon as reasonably practicable and in such form and manner as the Commission may from time to time specify¹, of any matters which in their view could have a material impact on their business or affect compliance. The Commission would, in particular, expect to be notified of the occurrence of any of the following events in so far as not already notified in accordance with the conditions attached to the licensee's licence²:
 - a. any material change in the licensee's structure or the operation of its business
 - b. any material change in managerial responsibilities or governance arrangements
 - c. any report from an internal or external auditor expressing, or giving rise to, concerns about material shortcomings in the management control or oversight of any aspect of the licensee's business related to the provision of gambling facilities.

Read additional [guidance on the information requirements](#) contained within this section.

¹ These matters are to be reported to us online via our '[eServices](#)' digital service on our website.

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

10.1.1 - Assessing local risk

Social responsibility code

Applies to:

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

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy¹.
2. Licensees must review (and update as necessary) their local risk assessments:
 - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c. when applying for a variation of a premises licence; and
 - d. in any case, undertake a local risk assessment when applying for a new premises licence.

¹This is the [statement of licensing policy \(opens in new tab\)](#) under the Gambling Act 2005.

10.1.2 - Sharing local risk assessments

Ordinary code

Applies to:

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

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

ANNEX C CASE LAW

All England Official Transcripts (1997-2008)

Daniel Thwaites plc v Wirral Borough Magistrates' Court

Licensing - Licence - Application for licence - Guidance issued by Secretary of State as to discharge of functions under legislation - Licensing authority granting licence - Local objectors appealing to magistrates' court - Magistrates' court imposing restrictions - Whether restrictions necessary to promote licensing objective - Whether magistrates' court having proper regard to guidance - Whether decision of magistrates' court lawful - Licensing Act 2003, s 4

[2008] EWHC 838 (Admin), CO/5533/2006, (Transcript: Wordwave International Ltd (A Merrill Communications Company))

QUEEN'S BENCH DIVISION (ADMINISTRATIVE COURT)

BLACK J

10 MARCH, 6 MAY 2008

6 MAY 2008

This is a signed judgment handed down by the judge, with a direction that no further record or transcript need be made pursuant to Practice Direction 6.1 to Pt 39 of the Civil Procedure Rules (formerly RSC Ord 59, r (1)(f), Ord 68, r 1). See Practice Note dated 9 July 1990, [1990] 2 All ER 1024.

D MW Pickup for the Claimant

The Defendant did not appear and was not represented

D Flood for the First Interested Party

M Copeland for the Second Interested Party

Naphens plc; Kirwans; Wirral MBC

BLACK J:

[1] This is an application by Daniel Thwaites plc ("the Claimant") for judicial review of a licensing decision made by the Wirral Magistrates' Court ("the Magistrates' Court") on 5 April 2006 and that court's decision on 21 April 2006 concerning the costs of the proceedings. The Claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Pitchford J on 2 November 2006.

THE FACTUAL BACKGROUND

[2] The Claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises ("the premises"). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the Licensing Sub-Committee of the Metropolitan Borough of Wirral ("the licensing authority")

for the existing licence to be converted to a premises licence under the Licensing Act 2003 and for the licence to be varied simultaneously.

[3] In essence, the Claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the Claimant initially proposed. The Claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11pm and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1pm, with the doors closing one hour after the last alcohol sale every night.

[4] The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society ("the First Interested Party") and other Saughall Massie residents.

[5] The Claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later "on special occasions" This was a matter of which the licensing authority took note as is recorded in the minutes of their determination.

[6] The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays. Special arrangements were also permitted for New Year's Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11pm, that the premises must promote the use of taxi firms which use a call-back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.

[7] The Saughall Massie Conservation Society and "others" appealed against the licensing decision to the Magistrates' Court on the ground that the licensing authority's decision "was not made with a view to promotion of and in accordance with the licensing objectives pursuant to s 4, Pt 2 of the Licensing Act 2003".

[8] The appeal occupied the Magistrates' Court from 3 - 5 April 2006. The Respondents to the appeal were the licensing authority and the Claimant which both defended the licensing authority's decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yehya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.

[9] The justices granted the appeal. Their Reasons run to three pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11pm and alcohol sales until 11.30pm on all nights except Friday and Saturday when entertainment would be permitted until 11.30pm and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1am. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year's Eve and the conditions of the licence remained unaltered.

[10] The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the Magistrates' Court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their Reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The Chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the Chairman of the Bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices' Reasons make no reference at all to these matters. As to the statements of the "Witnesses of the Appellant", they say simply that they have read and considered them but attached little or no weight to them.

[11] The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their Response to the Claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Pickstock (the legal advisor), and what is said in the index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have any regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the Reasons. It is established by authorities such as *R v Westminster City Council ex parte Ermakov* [1996] 2 All ER 302, 95 LGR 119, [1996] 2 FCR 208 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

THE BROAD NATURE OF THE CLAIM IN RELATION TO THE LICENSING DECISION

[12] The Claimant argues that the Magistrates' Court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Licensing Act 2003 ("the Act") and imposed restrictions on the Claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed Magistrates' Court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

THE LEGAL BACKGROUND

[13] The Licensing Act 2003 was intended to provide a "more efficient" "more responsive" and "flexible" system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.

[14] Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:

"12 In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on.

Instead, the Applicant for a premises licence or a club premises certificate will be able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives."

[15] Section 1 of the Act provides:

"S1(1) For the purposes of this Act the following are licensable activities -

- (a) the sale by retail of alcohol,
- (b) [clubs]
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment."

[16] To carry on a licensable activity, a premises licence granted under Pt 3 of the Act is generally required, s 2. Application for a premises licence must be made to the relevant licensing authority, s 17(1).

[17] By virtue of s 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the "licensing objectives". These are set out in s 4 as follows:

"S4(2) The licensing objectives are -

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm."

[18] In carrying out its licensing functions, by virtue of s 4(3) the licensing authority must also have regard to its licensing statement published under s 5 and any guidance issued by the Secretary of State under s 182.

[19] Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 ("the Guidance"). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.

[20] The Foreword says that the Guidance:

"is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not mean we are intent on eroding local discretion. On

the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice."

[21] As the Guidance says in para 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

"Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

[22] An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in s 17(4) which are as follows:

- "(a) the relevant licensable activities,
- (b) the times during which it is proposed that the relevant licensable activities are to take place,
- (c) any other times during which it is proposed that the premises are to be open to the public,
- (d) where the Applicant wishes the licence to have effect for a limited period, that period,
- (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the Applicant wishes to have specified in the premises licence as the premises supervisor,
- (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
- (g) the steps which it is proposed to take to promote the licensing objectives,
- (h) such other matters as may be prescribed."

[23] Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.

[24] Section 18(2) provides that, subject to sub-s (3), the authority must grant the licence in accordance with the application subject only to:

- "(a) such conditions as are consistent with the operating schedule accompanying the application, and
- (b) any conditions which must under section 19, 20 or 21 be included in the licence."

[25] Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim.

[26] Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal "relevant representations" are defined in s 18(6) as follows:

"(6) For the purposes of this section, 'relevant representations' means representations which -

(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,

(b) meet the requirements of sub-section (7),

(c) . . ."

[27] Sub-section (7) provides:

"(7) The requirements of this subsection are -

(a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),

(b) that they have not been withdrawn, and

(c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious."

[28] Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the Applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of s 18(3)(b), the authority must also "(b) having regard to the representations, take such of the steps mentioned in sub-section (4) (if any) as it considers necessary for the promotion of the licensing objectives."

[29] Section 18(4) provides:

"(4) The steps are -

(a) to grant the licence subject to -

(i) the conditions mentioned in sub-section (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application."

[30] Conditions are modified for the purposes of sub-s (4)(a)(i) if any of them is altered or omitted or any new condition is added.

[31] During the currency of a premises licence, by virtue of s 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of s 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.

[32] The Act makes provision in Pt 5 for "permitted temporary activity" which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.

[33] Section 181 provides for appeals to be made against decisions of the licensing authority to a Magistrates' Court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

THE DETAIL OF THE CLAIM

[34] The Claimant submits that in making its decision to allow the appeal in relation to the premises licence, the Magistrates' Court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the Guidance.

[35] There is no doubt that the Guidance is relevant in the magistrates' decision making. As I have set out above, s 4(3) requires the licensing authority to "have regard" to the Guidance. By extension, so must a Magistrates' Court dealing with an appeal from a decision of the licensing authority. The Guidance says:

"10.8 In hearing an appeal against any decision made by a licensing authority, the Magistrates' Court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case."

[36] Mr Pickup submits that although the Guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

[37] Mr Flood for the First Interested Party submits that the Guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in

some respects (as is clear from the wording of the Guidance), the Guidance is a statement of Government belief rather than proved fact. Inviting attention to the judgment of Beatson J in *J D Weatherspoon plc v Guildford Borough Council* [2006] EWHC 815 (Admin), [2007] 1 All ER 400, [2006] LGR 767, he identifies that different policy elements in the Guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the Guidance, they do not need to use it as "a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute".

[38] There is no doubt that regard must be had to the Guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The Guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the Guidance and that in resolving this conflict, a licensing authority or Magistrates' Court may justifiably give less weight to some parts of the Guidance and more to others. As the Guidance itself says, it may also depart from the Guidance if particular features of the individual case require that. What a licensing authority or Magistrates' Court is not entitled to do is simply to *ignore* the Guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a Magistrates' Court is entitled to depart from the Guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As para 2.3 of the Guidance says in relation to the need for licensing authorities to give reasons:

"When [departing from the Guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

This is a theme to which the Guidance returns repeatedly and is a principle which must be applicable to a Magistrates' Court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the First Interested Party that the magistrates did not need to work slavishly through the Guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the Guidance if they considered it proper so to do.

[39] In this case, Mr Pickup submits that proper attention to the Guidance would have helped the magistrates to come to a correct and reasonable decision and that they have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.

[40] The foundation of the Claimant's argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in s 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the Guidance. For example, in the Act, s 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must "take such of the steps mentioned in sub-s (4) (if any) as it considers necessary for the promotion of the licensing objectives" (the steps in sub-s (4) include the grant of the licence subject to conditions). Section 34(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The Guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example para 7.5 and also para 7.17 which includes this passage:

"Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that

purpose."

[41] The Guidance also refers a number of times to the need for regulation to be "proportionate". This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being "necessary", it must in my view be confined to that which is "proportionate" and one can understand why the Guidance spells this out.

[42] Mr Pickup submits, and I accept, that the Act anticipates that a "light touch bureaucracy" (a phrase used in para 5.99 of the Guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the Applicant. Mr Pickup says that such a light touch is made possible, as the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-Social Behaviour Act 2003. The Guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Paragraph 7.18 from the section of the Guidance dealing with attaching conditions to licences is an illustration of this approach:

"7.18 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the Applicant, no additional conditions at all are needed to promote the licensing objectives."

[43] The Guidance includes a section dealing with hours of trading which the Claimant submits further exemplifies the philosophy of the Act. It begins with para 6.1 which reads "This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply."

[44] It continues:

"6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions."

[45] The Claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the Guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing

objectives.

[46] The magistrates' Reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. The magistrates also record in the Reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the Appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the new revised licence. This was in line with the oral evidence of Police Sergeant Yehya (as recorded in the rather truncated notes of the legal advisor):

"1. reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises."

[47] To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The First Interested Party observes that the manager of the premises had given evidence that he intended in the summer to "make hay while the sun shines" and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of "little evidential value" in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the Claimant intended in future to make more use of the extended hours reduced the value of the premises' past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.

[48] It is plain that the magistrates' particular concern was "migration" rather than problems generated by those coming directly to the premises for their evening out. Under the heading "The Four Licensing Objectives", they say that they accept that there have been no formal or recorded complaints against the premises "but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority". Under the heading "Migration/Zoning" they begin:

"The Saughall Hotel due to its location and the fact that a number of license premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel. [sic]"

and end:

"We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and inevitable numbers will increase in the Summer causing nuisance/criminality."

[49] They reiterate their concern under the heading "Nuisance (Existing/Anticipated)" saying that they "feel that public nuisance will be inevitable".

[50] The Claimant complains that the magistrates' treatment of the issue of "migration" was fundamentally flawed on a number of grounds.

[51] Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The Claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms Lesley Spencer who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.

[52] Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Yehya said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said:

"We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00am to 1.00am. 1.00am closing at 2. 280 people leaving premises. Other premises subject to high levels of crime *migration not an issue.*" [my italics]

[53] I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the Claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the Magistrates' Court seems to have surprised the magistrates who said so in their Reasons, commenting "We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms." In so saying, they convey, in my view, not only their surprise about the Police approach but also their disagreement with it.

[54] It was not open to the magistrates, in my view, to elevate what Sergeant Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

[55] It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The Claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The First Interested Party is correct in submitting that the Guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the Guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be

trouble.

[56] The Claimant complains that the magistrates' treatment of the migration issue also flies in the face of the Guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.

[57] Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The Guidance says, at para 6.8:

"The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times."

It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.

[58] I am not convinced that the magistrates' limiting of the Claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.

[59] What has more weight, however, is the Claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The Reasons include a heading "Flexibility" under which the magistrates say simply "We have considered the concept of Flexibility." In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in para 6.6 of the Guidance (see above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

[60] The Claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, "the application for extended hours was to allow *flexibility* to open later on certain occasions". As the First Interested Party would submit, the magistrates may have inferred from Mr Miller's comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the Claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their Reasons as to the frequency on which they considered the Claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their journey would be worthwhile.

[61] The magistrates' comment about the temporary certificate also seems to me to be an example of a

failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.

[62] There is no consideration in the magistrates' decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed) would be sufficient to promote the licensing objectives without reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

MY OVERALL CONCLUSIONS

[63] It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not *articulate* that the curtailment of the hours sought was "necessary" to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be "an inevitable consequence" of leaving the hours as granted by the Local Authority. However, in my view their approach to what was "necessary" was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.

[64] I have said little so far about what appears in the magistrates' response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates' decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the Appellant. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Yehya or explored with him in evidence. Mr Beere says in his statement for example, ". . . there is also the question of Police resources and

their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoylake."

[65] Reference is made in the response documents to the court feeling that the Brewery's proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is "a village pub and not a night spot in the centre of town". For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates' response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.

[66] Mr Beere's statement ends with a reference to the Brewery wanting to make hay while the sun shines, of which he says, "I believe that this statement was indicative of the Brewery's attitude to local residents and to the general management of the premises." Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not seen fit to make reference in their Reasons to any difficulties caused by the Hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.

[67] I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in s 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also "any other times during which it is proposed that the premises are to be open to the public". On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the Applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the Applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

THE COSTS ARGUMENT

[68] In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The Appellants had given an undertaking to the Licensing Authority that they would not seek costs against the Licensing Authority and they sought the entirety of their costs of the appeal from the Claimant. The magistrates granted that order and the Claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the

order for costs was that the appeal had succeeded and the Claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the Claimant if the appeal had been dismissed.

Appeal dismissed.



JUDICIARY OF
ENGLAND AND WALES

Judge Denis Brennan

In the Highbury Corner Magistrates' Court

BETWEEN: Future Leisure Limited

Appellant

V

London Borough of Haringey

Respondent

Date of Hearing: 5th November 2025

Date of Judgement: 17th December 2025

Background and introduction

1 This is an appeal against the decision of the Licensing Sub Committee of the London Borough of Haringey (the Respondent) to refuse an application by the Appellant, Future Leisure Limited, for a variation of its Adult Gaming Centre ("AGC") Premises Licence in respect of its premises at 519 Green Lanes, N4 1AN ("The Premises"). The variation sought and refused was to extend the operating hours from the current 0900-2300 hours, 7 days per week, to 24 hours opening, 7 days per week.

2 The Appellant is represented by Andrew Woods and the Respondent by Asitha Ranatunga. I am grateful to both advocates not only for their oral and written work but also for the preparation that has gone into this case. Not only have I received and considered both opening and closing written arguments but also the written evidence and bundles of documents running to 1867 pages together with live evidence and cross examination.

3 Of necessity, I will not set out the evidence in detail but will summarise it.

4 The appeal relates to the AGC owned and run by the Appellant, known as Royal Casino Slots, at 519 Green Lanes, London N4 1AN. The Premises Licence (PL) was granted by the Respondent's Licensing Sub Committee (LSC) on 8/9/2020. It has been operating since February 2022. On 22/11/24, the Appellant made an application to vary the Premises Licence to allow it to operate 24/7. Representations both for and against the variation were made to the LSC and on the 24/4/25, the application was refused, with reasons. On 1/5/25, written reasons for the refusal were provided to the Appellant. An appeal, by complaint dated 15/5/25 was laid under Section 206 Gambling Act 2005 (GA05). Under Section 207 *ibid*, the magistrates' court may dismiss the appeal or substitute its own decision or remit it back to the LSC, and make an order as to costs.

5 The reasons given for refusing the variation have been summarised by Mr Ranatunga (at para 6 of his original skeleton argument) as follows:-

- (a) The Respondent's Statement of Gambling Policy (SoGP) requires enhanced safeguards in high risk wards like Harringay (this is the ward in the Borough of Haringey where The Premises are located)
- (b) The Appellant's Local Area Risk Assessment (LARA) is largely generic, not site specific and does not take into account the high risk profile of Harringay
- (c) There was no community engagement prior to the application
- (d) There is evidence from Public Health regarding the detrimental impact on communities where gambling outlets are in operation
- (e) The absence of police objection is not determinative (the police did initially object but by agreement with the appellant adding conditions to the PL withdrew its objections)

The Law

7 The law has been set out by both parties. I follow Mr Woods in para 8 of his Opening Skeleton. Section 153 (1) Of The GA05 says

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

- (a) in accordance with any relevant code of practice (issued by the Gambling Commission)
- (b) in accordance with any guidance issued by the Commission
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b))

- (d) In accordance with the (authority's statement of licensing policy)(subject to (a) to (c).

8 The Licensing Objectives (LO) are in Section 1 of the GA05, and are as follows

- (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 gambling is conducted in an open and fair way
- (c) Protecting children and vulnerable persons from being harmed or exploited by gambling

9 The issue between the parties concerns the ability of the Appellant to meet LO (a) and (c); or, putting it as Mr Woods does, is the variation application reasonably consistent with the LO (as above)? The burden is on the Appellant to the civil standard. Hearsay evidence is admissible and I have received both live and written evidence.

10 In hearing the evidence, and it is upon the evidence applied to the law in this case that I decide whether the appellant has so satisfied me, I step into the shoes of the LSC, hear the evidence (new and old), and make a decision based on an evaluative judgement of that evidence. I should, and will be, slow to and not lightly reverse their opinion (*Stepney BC v Joffe*, as cited by Mr Ranatunga at para 14 of opening skeleton).

The Evidence

A The Appellant

11. The primary evidence relied on by the Appellant came from its owner/director, Gavin Tressider. He is steeped in the relevant business, having worked with his father as a young man and now, having started his own business in 1993, he is joined in its current iteration by both his adult sons. His business has 18 sites (full details provided) with 15 AGCs and 3 Bingo outlets. The Appellant is a member of the relevant Trade Association and is fully endorsed by the Gambling Commission. His business is largely London (rather than national) related. 14 of his 15 AGCs have 24/7 licenses already. His written and oral evidence dealt extensively with his knowledge, understanding, procedures, training, oversight and the quality of service provided. I found him to be an impressive witness, notwithstanding extensive cross examination

by Mr Ranatunga. Whatever one's views are of such places on a moral basis (irrelevant to this case), I find he runs a business entirely consistent with best practice and consistent, in principle, with the Licensing Objectives in issue.

12 He has had no issues at the other AGCs he runs, in similar areas in London, which are open 24/7. He has had no issues or complaints about behaviour at The Premises in question in the over 3.5 years it has been open. There is no evidence to the contrary from the Respondent.

13 It is right to acknowledge that the original LARA prepared for the LSC hearing did contain some errors (since corrected by a third version) and, as pointed out in cross examination, there is no reference to a bus stop outside the Premises (in use 24/7) which would enable vulnerable people to travel to and from the Premises if open 24/7. I do not propose to dwell on the make up of the inside of the Premises save to record that it is entirely consistent with good practice, Codes of Practice, and is lawful. The staff are clearly well trained and systems appropriate to managing vulnerable individuals are ostensibly present; in any event, these procedures have clearly worked at the Premises in the last three and a half years. Mr Tressider has reached out to the local community since the LSC decision but no-one has taken up that offer.

14 Mr Tressider concedes that if the variation is granted, the AGC will not trade 24/7 as planning permission (before the Planning Sub Committee) is granted. Through his lawyer (closing written skeleton) Mr Tressider offers to have further conditions attached to the PL if the variation is granted, namely SIA doorstaff on duty 11pm-9am, toilet doors locked during those hours and only opened by a member of staff upon request by a customer and meetings twice a year with the Respondent's appropriate officer(s) to discuss any issues that have arisen (see para 77 of Mr Woods' closing skeleton).

15. The Appellant also relied on two reports from Leveche Associates Ltd (Mr Nicholas Mason of the company attended but his evidence in itself was not challenged but the subject of submissions by Mr Ranatunga as to weight). This is a company that deals with Licensing and security in the private sector. This evidence corroborated that of Mr Tressider of the AGC being a well run business entirely consistent (in its current operating hours) with the LO of the GA05. It conducted

covert visits on 2 days in August 2025 to the Premises as well as another AGC run by the Appellant (and doing business 24/7) in Mare Street in Hackney.

B The Respondent

16 The Respondent relied on live evidence from 3 witnesses and the written evidence of 2 witnesses. The first live witness was Daliah Barret. Ms Barret is the lead officer for Licensing the Respondent borough, with over 30 years' experience. She knows her area of work extremely well. Her concerns involved the risk of crime or disorder and the risk to vulnerable people in the locality. It is not in dispute, as she attests, that this stretch of Green Lanes had historical issue with crime due to a late night economy but very much now controlled by reducing opening hours; the latest restaurant in the area now closes at 2am. There are no current crime or disorder issues and have never been any, nor any complaints, about the Premises since it opened. She attested to the opposition from local councillors and residents to the extension of opening hours, due to the risks to vulnerable people. This ward has high levels of deprivation, and the "at risk" individuals are those living in supported accommodation locally, with mental health and addiction issues, and a disproportionate number of HMOs, together with the proximity of St Ann's Hospital, treating those with mental health problems. She does visit AGCs and has seen some bad behaviour but recorded none at the Premises (and had done one visit to it for the application). Contrary to Mr Tressider, she asserted that a different type of individual is likely to attend after 11pm than to before that time. Save for her observations on site, her evidence was a culmination of her knowledge of the area and those of local residents, together with supporting documentation.

17 Secondly, evidence was called from Councillor Zena Brabazon, a ward Councillor for Harringay and cabinet member for Children, Schools and Families since 2021. Again, an honest and credible witness, bringing her knowledge of the area and the risks to its residents from this application. She objected to the original grant of the PL in 2020 and accepted in evidence that none of her then concerns have come to fruition since the Premises opened.

18 There was additional written evidence from Gabriella Martino, a local resident, and Councillor Abela, whose evidence was corroborative of the live evidence given by the Respondent's witnesses.

19. The final live witness relied on by the Respondent is Dr Will Maimaris, the Director of Public Health at the Respondent borough. It is accepted, and I find, that Dr Maimaris is an experienced, authoritative and respected witness. He is also medically qualified. He gave both written and oral evidence about his concerns that the effect of the variation would have on the health and well being of the most disadvantaged living in the area, and on children exposed to the existence of such a culture, thus normalising it and being prejudicial to their well being. He relied on a number of scientific studies and reports, both here and in Australia. He was consulted and provided evidence to the local authority in assisting it setting its SoGP. He pointed out, *inter alia*, that Haringey is the sixth most deprived borough in London and that deprivation is concentrated in the east of the borough, where the Premises are located; that the borough has a significantly higher number of people experiencing gambling harms (according to the Problem Gambling Severity Index (PGSI)) and the risks increase the later premises stay open. A 2018 study showed that an estimated 8000 residents in Haringey experiencing direct harm from gambling. Haringey has a higher than average number and rate of children living in poverty. Late night gambling will, in his opinion, expose vulnerable people, addicts or sleep deprived or just deprived people, and children (through harms caused to them directly and indirectly) to harm. Added to that are the nearby residential and other services providing assistance to people with mental health and addictions who oppose the variation due to the risks to their clientele. He also relies on the decision at first instance of my colleague, DJ (MC) Tim Spruce in *Royal Amusements v Sheffield City Council* from December 2024; therein, the Judge, on a similar appeal, refused a PL to a proposed AGC on grounds, *inter alia*, that there were no mitigations or measures an AGC (in that area) could put in place to reduce the risks as these are often “hidden, intangible and invisible to traditional regulation” (para 93 in that judgment).

20. Dr Maimaris did accept that the Sheffield case was not the same as this case (and I certainly do not find I am bound by it, though I am assisted by its overall approach) and that the data for Haringey in the PGSI is not inconsistent with that of other boroughs in London, as against nationally.

Submissions

A Respondent

21 Given the nature of the area in which the Premises are located, based on the available evidence, like in the Sheffield case, it is not possible to identify the additional measures which could meet the concerns expressed or that the current conditions would meet those concerns, and that extending operating hours to 24/7 will undermine the LO. In summary, Mr Ranatunga points out and relies on the following:

- (i) The ward in which the Premises is located is at risk from gambling harms as evidenced by the data from Dr Maimaris and others
- (ii) The concentration of gambling outlets in the locale with its primary schools premises for vulnerable individuals
- (iii) Allowing 24/7 gambling would be inconsistent with the Respondent's SoGP, as the Harringay ward is identified as at risk of harm from gambling
- (iv) Allowing 24/7 gambling would run counter to the partnership working that reduced crime and disorder by moving to an evening rather than late night economy locally
- (v) Evidence from Dr Maimaris and Ms Barrett point to the venue being a magnet for problem gamblers and the clientele will be different to the daytime
- (vi) The current LARA is inadequate to meet concerns expressed as it downplays risk and indicative of that is it doesn't even identify the bus stop outside of the Premises.

B Appellant

22 The Appellant's case, in a nutshell, is that what evidence exists (rather than speculation) does not demonstrate that the LO and SoGP will not or are unlikely to be upheld at its Premises. First, great reliance is placed on the track record of the Appellant over the last three and a half years' at the Premises. Secondly, the evidence of successful compliance in London, in many areas not dissimilar to that of this ward, of 14 other 24/7 AGCs run by the Appellant.

23 The Appellant acknowledges that there were mistakes made in the original LARA and the current one leaves out reference (re accessibility) to the bus stop outside the Premises. But those are minor in comparison to the overwhelmingly positive information in the selection and training of staff, it's good track record with the Gambling Commission in upholding the LO, and its policies, procedures and operational measures, including interactions with customers. None of that is

undermined by the evidence of any local residents' objections, or indeed that of the local councillors or the very experienced Ms Barrett.

23. So far as the evidence of Dr Maimaris is concerned, Mr Woods rightly acknowledges his experience and expertise. But equally appropriately he argues that the weight to be given to that evidence is reduced as it was taken into account when the Respondent borough drew up its latest SoGP in January 2025 and nowhere within that SoGP is there a restriction on the operating hours of AGCs anywhere in the borough. Whatever challenges there may be in that location, Mr Woods submits, there is in fact no evidence that this organisation will not be able to meet those challenges, as it has done since opening in 2022 and elsewhere at its other 24/7 AGCs.

Discussion and analysis

24 The starting point for me is to analyse the evidence I have heard through the prism of the legislation and the Gambling Commission Guidance to local authorities. I respectfully agree with the learned authors of Patterson's Licensing Acts (as quoted in Mr Woods' initial skeleton argument at para 42 that "aim to permit" in Section 153 GA05 "...creates a presumption in favour of granting a premises licence".

25. That presumption is to be used in accordance with GC Codes of Practice, guidance from the GC and the statement of licensing (here I take that to mean gambling) policy and be "reasonably consistent" with the with the LO. The latter are found in S 1 GA05. Engaged here are (a) the prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime and (c) protecting children and vulnerable persons from being harmed or exploited by gambling.

26 There is, quite frankly, no evidence that these premises have been undermining the LO concerning crime and disorder. I respect that locals and councillors fear that their successful efforts to reduce crime, disorder and anti-social behaviour in the ward in the recent years, by a reduction to an evening economy rather than an all night economy, will be undermined by a 24 hour gambling emporium. There is no alcohol consumed on these Premises (unlike those in the Australian project relied on by Dr Maimaris), and all the evidence available shows the Appellant to run a business generally, and specifically at the Premises, which is consistent with this LO. There

have been no issues at these Premises, unlike at others (not run by the Appellant) as seen by Ms Barrett.

27 I accept that there is evidence that there are vulnerable individuals, with addictions and other similar issues, living in the ward or attending for treatment at St Anns Hospital, who are at risk from the presence of these Premises if it moves to a 24/7 operation. What is absent is actual evidence that those risks cannot be met by the existing measures and mitigations already employed at the Premises since its inception in 2022. Where the Appellant operates at a 24/7 basis in other similar areas in London, those same risks exist and are managed, otherwise there would be evidence before me of failures at those premises. The respondent itself, when setting its most recent SoGP, took into account Dr Maimaris' evidence and did not set limits on operating hours for AGCs either borough wide or specifically at "high risk" wards such as Harringay, as here. Given the disparity between the facts here and those in the Sheffield case (such as they are known from the judgment), I give little weight to that decision in coming to my conclusions here.

28 I also agree with Mr Ranatunga that whilst giving due respect to the original decision of the LSC, my exercise is to apply an evaluative judgement to the evidence before me in the context of the legislative framework. The decision made by the LSC was one open to it on the evidence before it. I do not find that it took into account irrelevant matters or gave as reasons ones which no reasonable authority could give. The burden is on the Appellant to satisfy on the balance of probabilities that the extension of its operating hours should be granted. My judgement is that there is no evidence to demonstrate that the LO and SoGP will not or are unlikely to be met. This is because of the excellent track record of the Appellant at these Premises since opening, a similar record at the other premises in London generally but specifically as it runs 14 other 24/7 AGCs without issue. These Premises are run entirely in accordance with the legislation on the evidence before me and I am satisfied that the measures already in place, together with the additional conditions suggested by the Appellant (set out in paragraph 14 above), mean the appeal succeeds.

29 In reaching my decision, I have stepped back to reconsider the decision of the LSC. That was a decision, as I have said, that was open to it but my decision, finely balance as it is, differs as I consider that the previous decision gave too much weight to the evidence of Dr Maimaris as to what might happen rather than, as here, proper

counterbalancing weight to the fine track record of the Appellant both in the immediate premises and throughout its business.

17th December 2025

DJ(MC) Denis Brennan