

LICENSING SUB COMMITTEE B

Date: Wednesday 7th February, 2024
Time: 10.00 am
Venue: Mandela Room

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Gambling Act 2005: Application for Adult Gaming Centre Premises Licence, 17a Parkway Centre, Coulby Newham, Middlesbrough, TS8 0TJ. 3 - 202
4. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Tuesday, 30 January 2024

MEMBERSHIP

Councillors S Hill (Chair), C Cooper and D Jones.

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne Dixon / Scott Bonner, 01642 729713 / 01642 729708, joanne_dixon@middlesbrough.gov.uk / scott_bonner@middlesbrough.gov.uk

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MIDDLESBROUGH COUNCIL	
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Report of:	Director of Environment & Commercial Services
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Submitted to:	Licensing Sub-Committee A
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Date:	7 February 2024
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Title:	Application for a Premises Licences (Adult Gaming Centre) under the Gambling Act 2005 (“the Act”)
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Report for:	Decision
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Status:	Public
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Key decision:	Not applicable
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Why:	Not applicable
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Urgent:	Not applicable
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Why:	Not applicable
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Executive summary

THE APPLICATION

1. Application for Adult Gaming Centre Premises Licence at 17a Parkway Centre, Coulby Newham, Middlesbrough, TS8 0TJ

THE PARTIES

- 1. The Applicant – Cleveland Leisure Centres Limited, 36-38 Kings Road, North Ormesby, Middlesbrough**
- 2. Interested Party – Emma Lonsdale**
- 3. Interested Party - Angela Brookmyre**
- 4. Interested Party – Abigail Cronin**
- 5. Interested Party – Bernadette Foley**
- 6. Interested Party – Dominique Bendlow-Chilver**
- 7. Interested Party – Dr Abi Witherden**
- 8. Interested Party – Emma Bullock**
- 9. Interested Party – Malcolm Turley**

- 10. Interested Party – Frank Davies**
- 11. Interested Party – Sarah Small**
- 12. Interested Party – Rebecca Arnold**
- 13. Interested Party – June Holt**
- 14. Interested Party – Geoff Peirse**
- 15. Interested Party – Julie Philpot**
- 16. Interested Party – Joanne Story**
- 17. Interested Party – James Small**

Appendices

1.	Application for Premises Licence for the Adult Gaming Centre 17a Parkway Centre, Middlesbrough
2.	Plan of proposed Adult Gaming Centre Premises
3	Local Area Risk Assessment
4.	Email from Applicant's Legal representative – 15 January 2024
5	Additional Supporting evidence from Applicant – Statement of John Graham, MD, Cleveland Leisure Centres Limited
6.	Additional Supporting evidence from Applicant – BACTA Handbook
7.	Additional Supporting evidence from Applicant – Citizen Card Application Form
8.	Additional Supporting evidence from Applicant – Money Laundering Risk Assessment
9.	Representation made by Emma Lonsdale, Local Resident (supported by online petition with 345 signatures)
10.	Representation made by Angela Brookmyre, Local Resident
11.	Representation made by Abigail Cronin, Local Resident
12.	Representation made by Bernadette Foley
13.	Representation made by Dominique Bendelow-Chilver, Local Resident
14.	Representation made by Dr Abi Witherden, Local Resident
15.	Representation made by Emma Bullock, Local Resident
16.	Representation made by Malcolm Turley, Local Resident
17.	Representation made by Frank Davies, Local Resident
18.	Representation made by Sarah Small
19.	Representation made by Rebecca Arnold
20.	Representation made by June Holt
21.	Representation made by Geoff Peirse
22.	Representation made by Julie Philpot, Local Resident
23.	Representation made by Joanne Story
24.	Representation made by James Small
25.	Copy of the Notice of Hearing sent to the Parties
26.	OTHER DOCUMENTATION

The Parties have been requested to endeavour to supply documentary information they wish to rely on at least five days before the Hearing, any such documentation will be circulated separately to this report

Regulation 9(4)(b) of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 states:

In conducting a hearing the relevant committee must take into consideration any documentary or other information in support of the application or representations produced by a party (i) before the hearing or (ii) at the hearing, with the consent of all the other parties attending the hearing.

Background and relevant information

1. On 5 December 2023 an application was made by Cleveland Leisure Centres Limited for a Premises Licence for an Adult Gaming Centre under Section 159 Gambling Act 2005 in respect of premises at 17a Parkway Centre, Middlesbrough, TS8 0TJ. The premises are situated in Coulby Newham Ward.
2. Notices of the Premises Licence Application were posted on site, published in a local newspaper and given to the Responsible Authorities in accordance with Regulation 12 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.
3. Representations were received by 16 local residents, including a petition objecting to the application, details of which can be found at <https://chnng.it/S4MmsVntdy> . The grounds for objection are primarily on the grounds of protecting children and other vulnerable persons from being harmed or exploited by gambling.
4. The representations were received within the 28 day period permitted for receipt of representations under Regulation 15 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

The Requirement to Hold a Hearing

8. Section 187 (3) of the Act which deals with Applications to vary premises licences applies Part 8 of the Act to applications to vary as they apply for new applications for premises licences (subject to any modifications in section 187 itself and any other necessary modifications).
9. Section 162 (within Part 8) of the Act requires the Licensing Authority to hold a hearing if an interested party or responsible authority has made (and not withdrawn) representations about the application.

Principles to be applied

10. Under Section 153 of the Act, the licensing sub committee shall aim to permit the use of premises for gambling in so far as it thinks it
 - (a) in accordance with any relevant Gambling Commission Code of Practice,
 - (b) in accordance with any relevant guidance issued by the Gambling Commission,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs a and b above). (The licensing objectives are:)
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - ensuring that gambling is conducted in a fair and open way, and

- protecting children and other vulnerable persons from being harmed or exploited by gambling.
- (d) in accordance with the statement published by the Licensing Authority (the Policy)

11. The Gambling Commission Licensing Conditions and Codes of Practice and the Gambling Commission's Guidance to Local Authorities are available through the following links and have been supplied to Members
[Licence Conditions and Codes of Practice \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/conditions-and-codes-of-practice)
[Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)
12. The Policy expired in January 2022 and is currently under review, the Policy is available through the following link and has previously been supplied to Members.
[Gambling policy 2019 - 2022 \(middlesbrough.gov.uk\)](https://www.middlesbrough.gov.uk/gambling-policy-2019-2022)

The Steps that may be taken

13. Under Section 163 of the Act, the Licensing Sub Committee may grant the Applications or reject the Applications
14. Section 169 of the Act enables the Licensing Sub Committee, where a decision is made to grant the Applications, to attach a condition or conditions to the Premises Licences or exclude a default condition from the Premises Licence if it considers it appropriate to do so.

The Parties may make representations on this report at the hearing.

Contact: Tim Hodgkinson, Licensing Manager
Email: Tim_Hodgkinson@middlesbrough.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Where the application is—

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

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

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

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

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

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

Section A

Individual applicant N/A

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

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

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

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

Postcode:

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

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

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

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

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: CLEVELAND LEISURE CENTRES LIMITED
[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

36-38 KINGS ROAD
NORTH ORMSBY
MIDDLESBROUGH

Postcode: TS3 6NF

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

000-002512-N-102126-008

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

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

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

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

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

17a PARKWAY
COULBY NEWHAM

Postcode: TS8 0TJ

12. Telephone number at premises (if known): (Pending connection)

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

N/A

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

~~Yes~~/No [delete as appropriate]

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

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

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

	Start	Finish	Details of any seasonal variation
Mon	0900 <i>hh:mm</i>	1830 <i>hh:mm</i>	Premises to have capacity to open Christmas Eve,
Tue	0900	1830	New Years Eve and Bank Holidays within the
Wed	0900	1830	hours applied for.
Thurs	0900	1900	
Fri	0900	1900	
Sat	0900	1830	
Sun	0930	1600	

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

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): ~~XXXXXXXXXX~~

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

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

19(a). Do you hold any other premises licences that have been issued by this licensing authority? Yes/~~No~~ [delete as appropriate]

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

(i) 36-38 Kings Rd, North Ormesby TS3 6NF licence number MBRO/GPR040/055754

(ii) 37 Kings Rd, North Ormesby, Middlesbrough TS3 6NG License Number MBRO/GPR041/057878

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

None

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

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

Checklist:

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

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

Signature:

Simon Catterall

Print Name: Simon Catterall

Date: 30/11/2023 (dd/mm/yyyy) Capacity: Solicitor to applicant

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

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

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

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

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

Simon Catterall Jacksons Law Firm
scatterall@jacksons-law.com

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

01642 873719

24. Postal address for correspondence associated with this application:

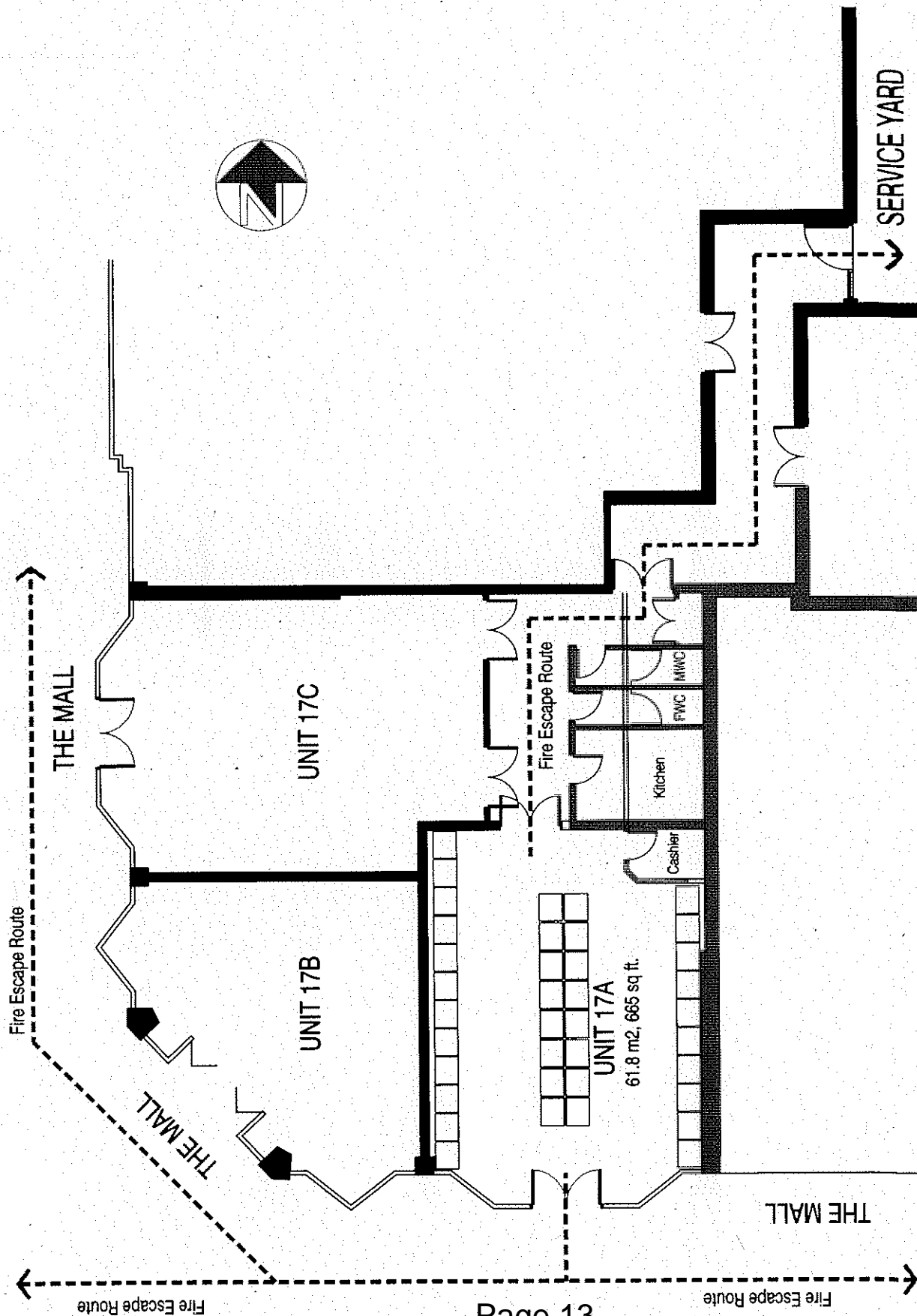
17 Falcon Court
Preston Farm Industrial Estate
Stockton on Tees

Postcode: TS18 3TU

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

scatterall@jacksons-law.com

APPENDIX 2



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DO NOT SCALE. THE CONTRACTOR IS RESPONSIBLE FOR CHECKING DIMENSIONS UNLESS OTHERWISE STATED.

NOTES:
Part A, Issued for Planning / Licensing: 18.08.23 NFP

Client: Cleveland Leisure Centres Ltd.

Project: 17A Parkway Centre - change of use

Drawing: Ground Floor Plan

Scale	Date	Project No.	Rev. No.	Drawn by
1/100 @ A3	19.08.23	24016	002	A

GREENACRES,
WELBURY,
NORTHALLERTON,
DL6 2SE

T: 01909 882492
E: info@greenacresarchitects.co.uk



APPENDIX 3

Premises

Premises Name:	Leisureland Casino Slots
Premises Address:	17a Parkway, Couby Newham, Middlesbrough
Premises Post Code:	TS8 0TJ
Premises Licence/Permit Number:	Details pending
Category of Premises:	Adult Gaming Centre
	<input type="checkbox"/>

Company Applicant

Operating Company: (the "Company")	Cleveland Leisure Centres Limited
Operating Licence Reference Number:	000-002512-N-102126-008
Registered Office Address:	36-38 Kings Road, North Ormsby, Middlesbrough, TS3 6NF

Assessment Completion

Original Assessment completed by (Signature):		
Original Assessment completed by (Print):	S Catterall	
Position within the Company:	Solicitor	
Date of completion of Original Assessment:		

Requirement to Comply

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

Effective as at 6 April 2016

Social responsibility code provision 10.1.1

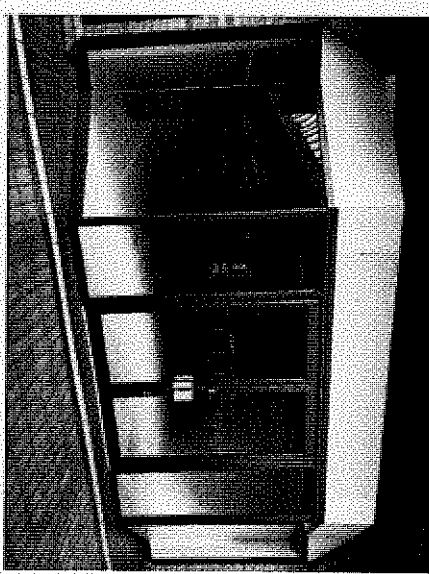
1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at **each of their premises**, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
 2. Licensees must review (and update as necessary) their local risk assessments.
 - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c. when applying for a variation of a premises licence; and
 - d. in any case, undertake a local risk assessment when applying for a new premises licence.
- Ordinary code provision 10.1.2**
- a. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

LOCAL AREA PROFILE

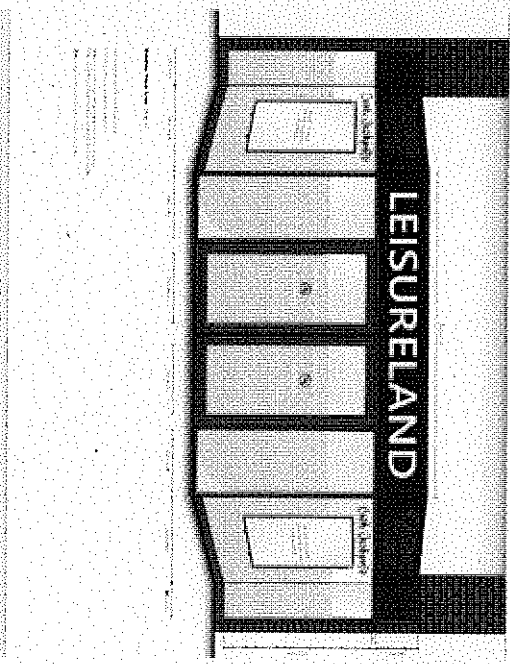
The projected Adult Gaming Centre is situated in *The Parkway*, *Coulby Newham*, *Middlesbrough*, a primary shopping area with retail outlets including *Tesco*, *Boots*, *Iceland*, *Superdrug*, *Card Factory*, *Specsavers*, *Poundland*, *Greggs* and *Burger King* as well as some independent units. To one side of the unit is *Age UK Charity shop*, and a homeware store *All things under one roof*. Immediately adjacent to the unit is *Pep & Co* and a *Poundland* store..

The venue is rectangular in shape internally. No auxiliary activities will be offered other than *Cat B3's*, *Cat C's* and *Cat D machines*

Current frontage of property



Proposed frontage



The following relevant establishments are nearby:

Police Stations: Coulby Newham Police Station (open 247) is in walking distance from the proposed AGC,

Betting Shops – William Hill, Coral.

Adult Gaming Centres No other adult gaming centre within Coulby Newham

Pawn Shops – Ramsdens

Public Houses – The Lingfield Farm is the only nearby public house. There are no others within reasonable walking distance of the proposed AGC.

Markets – No markets in the Parkway

Post Office – Coulby Newham Post Office is very close by.

Banks and ATM cashpoints – There are no banks in the vicinity. There are at least 3 ATMs in reasonable walking distance.

Some of the above commercial units could be associated with persons susceptible to gambling related harm in that they provide gambling services or access to funds to gamble such as ATMs. The Lingfield Farm (the only public house in the vicinity) poses a notional risk that intoxicated customers might not be able to control their gambling. The presence of Coulby Newham Police Station a few hundred yards from the premises is a positive.

Cleveland Leisure Centres Limited operate an inhouse training program and inhouse procedures to ensure that any customers demonstrating signs of problem related or excessive gambling are quickly identified, and the appropriate action taken.

Schools

Primary schools – St Augustine’s RC Primary School, St Gerard’s RC Primary School, Lingfield Primary School, Rose Wood Primary School and Sunnyside Academy are located in the greater Coulby Newham area, however none of them are close to the intended AGC.

Sixth Form Colleges: The Kings Academy is in the vicinity.

While *Parkway* is a commercial zone, it is recognized that passing football will include children and young adults. To address this, the applicant will ensure there is no visible or audible indication of gambling through the unit window or entrance and will adhere to a strict admission procedure more clearly defined later in this Assessment.

Other areas of potential interest to children and young persons:

The Rainbow Centre in the Parkway complex includes a gym, swimming pool, library and fitness centre is a short walk from the premises.

Centres for vulnerable people

Coulby Newham Community Fire Station Bickley Way Middlesbrough TS8 9NW

Coulby Newham Police Station Bickley Way, Coulby Newham, Middlesbrough TS8 9NN

Residents Associations and other groups

Cleveland Leisure Centres Limited are aware of and will work with local groups including Coulby Newham Community Council and Coulby Newham Neighborhood Forum.

Cleveland Leisure Centres Limited propose and identify the following specific procedures and physical approaches to identify and address those people at risk and prevent access to gaming.

LOCAL AREA RISK ASSESSMENT

- (i) **Staff Training.** Any perceived risk will be mitigated by the applicant's comprehensive levels of staff training through the use of SmartHub. This combined with continual training and regular appraisals will equip staff to the highest level to immediately spot and manage those customers displaying any signs of gambling related problems.
- (ii) **CCTV systems.** CCTV system specification is detailed in Appendix 1. Our CCTV policy/coverage will be regularly reviewed, and additional cameras/equipment will be installed as and when required.
- (iii) **Door Control** The applicants can draw on extensive experience of operating AGC's (the applicant has 3 AGC's, 1 in Thornaby, 1 in Middlesbrough and 1 in Leicestershire & has worked in the industry all of his life) and propose the following door controls
 - (a) Door and frontage design will ensure that children will not be able to see gambling taking place whether on the pavement or travelling by car or bus.
 - (b) The Door/Window glass is etched so that there is no visibility into the premises. There is also an internal partition inside the doorway to block any view into the premises when the door is opened for entry/exit.
- (iv) Customer Signage will be prominent and regularly reviewed.
- (v) **Toilet facilities.** Standard male/female and disabled toilet facilities are designed to deter and prevent customers from attempting to ingest, inhale or inject drugs on the premises – Controls include the following:
 - Access strictly controlled and supervised by staff
 - Toilets inspected after every use to identify those individuals potentially involved in drug or alcohol abuse
 - Zero tolerance to drug or alcohol abuse with appropriate signage
 - Toilet facilities designed so that no areas are accessible to hide drugs, syringes or alcohol.

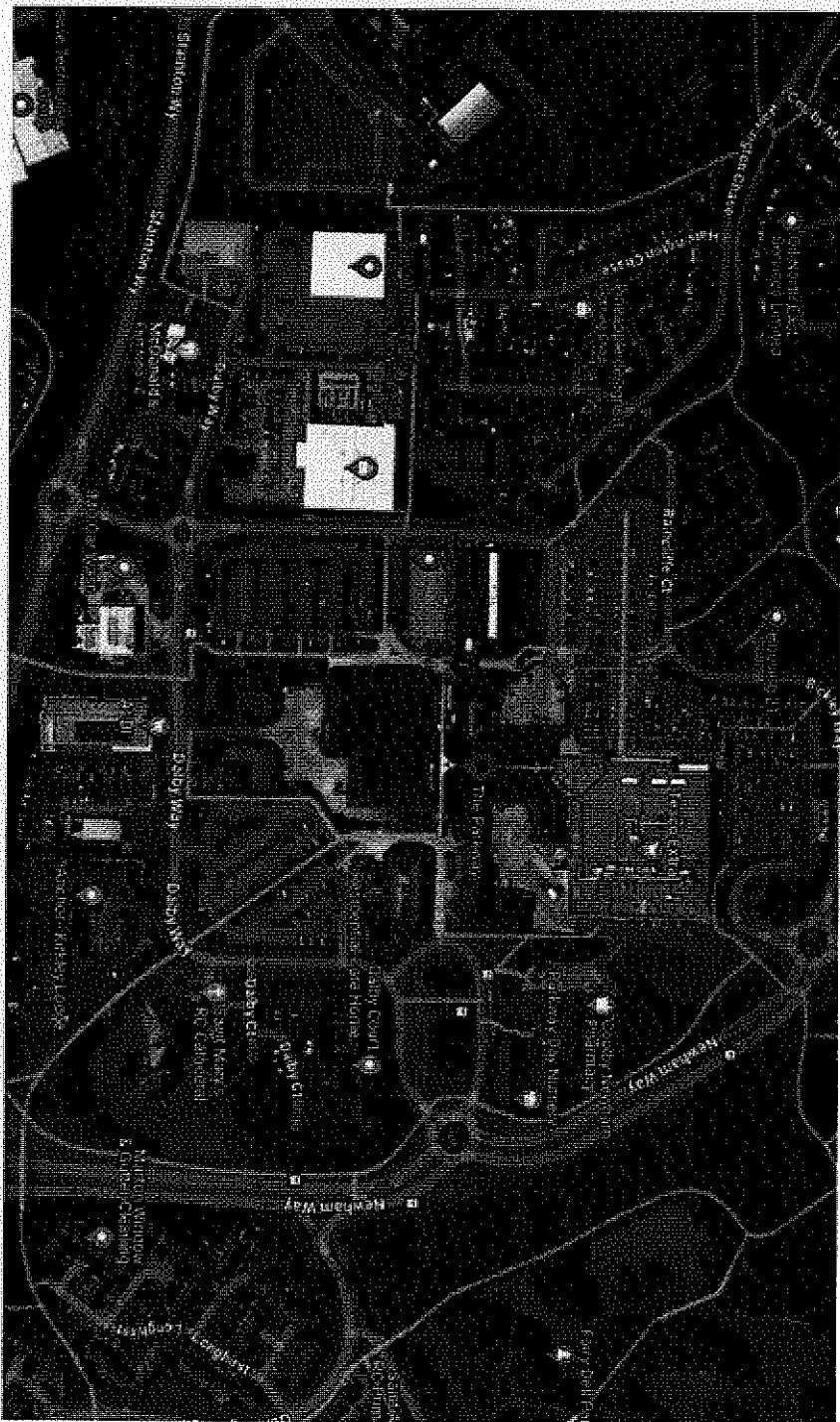
Ethnic and Religious Demographics

Religious demographics from the 2021 census show that 96.7% of the Coulby Newham population were born in England with the remainder comprised of small numbers of people from other nations across the world. The census also showed that vast majority spoke English.

In terms of religious demographics, the same census showed that 55% of the Coulby Newham population are of Christian religion followed by some 41% who claimed to have no religion and then 1% who are Muslim.

LOCAL AREA RISK ASSESSMENT

Although there is not a strongly population within Coulby Newham, the applicants will endeavour through recruitment that local staff are engaged with a comprehensive understanding of the religious and ethnic population and their attitudes toward gambling.



LOCAL AREA RISK ASSESSMENT

Gambling Act 2005 – The Licensing Objectives

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

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

Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed
Children entering site unnoticed/unchallenged	1	Low	Severe to Business Severe to Child	Interior and Exterior Design	<ul style="list-style-type: none"> <input type="checkbox"/> Constant and effective monitoring of the main entrances by Managers/Staff/Security at all times. <input type="checkbox"/> Staff have unrestricted visibility of all gaming machines at all 	December 2023
				Exterior Design	<ul style="list-style-type: none"> Front of the Venue is designed not to be attractive to children and challenge 25 posters clearly visible from street. Frontage and doors designed so that children cannot see gambling taking place from the footpath or passing vehicles 	December 2023
				Physical	<ul style="list-style-type: none"> Think 25 Policies in place and implemented Regular independent (by Check Policy) age verification testing Regular staff training in-house and through e learning with 6 monthly refresher courses The City Gaming Limited/Game Nation policies and procedures relating to the LCCP the E Learning program 	December 2023

LOCAL AREA RISK ASSESSMENT

					<ul style="list-style-type: none"> Clear & Prominent premises signage and machine labelling Thank 25 material displayed Regulatory Return data collected through IHL tablet process and reviewed weekly with weekly reporting up to CEO level by Commercial team Policy of preventing the wearing of hoods Health and Safety Policies & procedures in place 	
Failure to deal with Consumers making complaints about the outcome of Gambling	2	Moderate	Moderate to Business Severe to vulnerable customer	Physical	<ul style="list-style-type: none"> Machine maintenance carried out by qualified engineer Machine turned off immediately should fault be identified Machine only acquired from licensed suppliers. 	December 2023
				Systems	<ul style="list-style-type: none"> Complaints Procedure & Forms available on premises Staff training through BACTA annually Registered with ADR Entity – CEDR. Centre for Effective Dispute Resolution Compliant with Company Procedures 	December 2023
Failure to provide information to players on responsible gambling.	3	Low	Severe to Business Severe to Customers	Physical	<ul style="list-style-type: none"> Sufficient quantity of posters and leaflets. "Playing the machines" posters displayed prominently (with QR code) All machines labelled displaying National Gambling Helpline number and website address. 	December 2023
				Systems	<ul style="list-style-type: none"> Stock control system in place for leaflets and is monitored daily. Adhere to Company Procedures and Policies Regular audit to ensure system is in place 	

LOCAL AREA RISK ASSESSMENT

Failure to recognise signs associated with problem gambling or substantial changes in gambling style.	3	Moderate	Severe to Business Sever to Customers	Interior design	<ul style="list-style-type: none"> Players behaviour and positions are closely and effectively monitored. Clear lines of sight to all machines and effective CCTV systems 	December 2023
Staff lacking awareness and unsure how to recognise or respond to a vulnerable person who may be at risk	4	Moderate	Severe to Business Sever to Customers	Training	<ul style="list-style-type: none"> Safeguarding Adults Policy and Training 	December 2023
Failure to properly administer the self-exclusion process and maintain its effectiveness thereafter, including breaches and reinstatements.	3	Low	Severe to Business Sever to Customers	Physical	<ul style="list-style-type: none"> CCTV effectively positioned at entrance to benefit identification of knowns excluders. Use of Smarthub (can log on at any time & view photo ID of those excluded from any AGC in the area). 	December 2023
				Interior Design	<ul style="list-style-type: none"> Consideration given to internal layout so as to ensure effective monitoring of customers entering the premises and those that might enter in order to gamble on behalf of self-excluder. 	

LOCAL AREA RISK ASSESSMENT

				System	<ul style="list-style-type: none"> IHL Multi Operator Self Exclusion System in place All exclusion and breach data subject to weekly review by Commercial team and reported to senior management. IHL tablet always available to ensure that customers wishing to exclude can do so Details of Self Excluded customers distributed to other sites and operators via IHL/Bacta MOSES systems 	
Failure to identify attempts to launder money on the premises (e.g. dye stained notes) and to follow correct reporting procedure.	1	Low	Sever to business Low to customers	Interior Design	<ul style="list-style-type: none"> Effective monitoring of customers' behaviour by good lines of sight from floor staff and Managers, and well positioned CCTV cameras. 	
				Physical	<ul style="list-style-type: none"> Where machines operate TITO, tickets cannot be transferred or used in any other premises. Suspicious tickets are automatically flagged and staff interaction is then required The majority of larger wins are paid by hand which forces interaction with staff 	
				Training	<ul style="list-style-type: none"> Red Flag indicators trained. For example – Increased spend inconsistent with the customer's normal profile, unknown customers staking large amounts, customers with no known means of income staking large amounts etc 	
				System	<ul style="list-style-type: none"> The Company has Policies and Procedures in place which are reviewed regularly, implemented and monitored in respect of Money Laundering and any 	

LOCAL AREA RISK ASSESSMENT

Poor security increasing vulnerability to crime	1	Low	Sever to business Sever to customers	Physical	<ul style="list-style-type: none"> suspicious transactions including a Disclosure Procedure for use by staff and reporting to the National Crime Agency using SARs. Panic Alarms that connect to the owner who has full remote access on CCTV Intruder alarm installed and regularly serviced Effective CCTV coverage with data stored for a minimum of 30 days Toughed glass windows and door to limit criminal damage Outdoor CCTV with full coverage of all entrances 	
				Exterior Design	<ul style="list-style-type: none"> Limited cash desk and personal floats Regular liaison with local law enforcement agencies Log maintained should Police be called to assist. All incidents reviewed weekly by Commercial Team and reported to senior management Keep abreast of local crime trends 	
				Systems		
Awareness of heightened local crime in the local area.	1			Systems		
Awareness of students learning facilities (schools & colleges) in the local area	3			Systems	<ul style="list-style-type: none"> <input type="checkbox"/> Local research identified schools as listed earlier in the assessment <input type="checkbox"/> Challenge 25 process and systems <input type="checkbox"/> No gaming visible to children or your persons from outside of the venue 	
Awareness of residential facilities for the vulnerable in the local area	3			Systems	<ul style="list-style-type: none"> <input type="checkbox"/> Care homes as listed earlier in the assessment <input type="checkbox"/> Door controls, CCTV and training in place 	

The applicant is acutely aware of the importance of engaging with only rational, grounded customers and everything from the venue layout to staff training is designed for their comfort, protection, physical and mental health.

We also recognise the importance of identifying any problems at source thereby protecting those at risk of engaging in criminality or harm.

Our mission statement is to provide our customers with a superior but controlled licenced AGC premises providing an environment that is safe, enjoyable, friendly and inclusive.

Examples of our operations include

CCTV

4K High Definition CCTV System

We will be provided High Definition cameras throughout the building with "spotter" screens visible on entry with live images from across the venue providing reassurance we are a safe environment.

3 x 4K Cameras. Specifically focused on the exterior. One on each corner of the premises and the third focused over the doorway. We will also install a large "spotter Screen" inside the entrance showing the live CCTV Images in conjunction with the external Camera's.

Circa 9 X 4K High Definition cameras covering all the key locations within the location. All camera feeds will be recorded on a 12 Tb Hard Drive. All recorded Images to be made available for Police inspection in accordance with Middlesbrough Borough Council Licensing and Policing Policy.

All CCTV cameras shall record onto a system and be retained for 30 days. The system will be made available to the Police and licensing authority to inspect or recover required Images / Videos.

Door Entry Controls

In the event a member of staff feels threatened or vulnerable to attack, they can press the panic alarm button fob or keyring which immediately alerts Management. The front entrance door will be locked between 19.00-0900 daily as we will be closed during these hours. Access to the premises between those hours is not available.

Recruitment

We have a senior member of the proposed management team who has worked locally to our venue and will head the complete day to day running of our operation. The manager has previously managed the Company's North Ormesby and Thornaby sites, and understands the local environment and the extra due diligence required to deliver a safe, enjoyable environment.

Training

We utilize the training portal British Amusement Catering Trade Association (BACTA) to deliver the best training a) to ensure our teams are highly proficient with all the local authority compliance. b) to ensure we deal with real life situations therefore an example of the training we issue for Conflict Management and resolution. Dealing with the ability to defuse negative experiences.

Simon Catterall

Jacksons Law Firm

30 November 2023

Tim Hodgkinson

From: Simon Catterall <SCatterall@jacksons-law.com>
Sent: Monday, 15 January 2024 11:53
To: Tim Hodgkinson
Cc: Judith Catchpole
Subject: Cleveland Leisure: Application for AGC Premises Licence
Attachments: Bacta Toolkit Handbook v1.6 Jan 2023 (1).pdf; Money Laundering Risk Assessment Guidance Document October 2016 final.docx; CC_APP_FORM_2022 (1).pdf

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Dear Sirs,

We submit additional information in connection with this application:

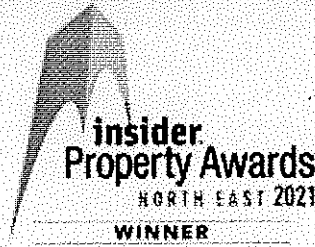
1. The applicant is installing a facial recognition system in all the company premises that automatically flags up anyone looking underage (flashing a green or a red light upon entering)
2. The applicant and his wife have recently completed a Bacta social responsibility and compliance refresher course that will be relayed to all staff members of Cleveland Leisure Centres.
3. We enclose the Bacta handbook (Gambling Act License Conditions and Codes of Practice), Citizen Card Application forms and Money Laundering Risk Assessment that will be implemented in the application and all other company premises.

Please let us know if you require any further information pending which we await details of committee hearing.

Kind regards
Simon Catterall

Simon Catterall
Partner
Regulatory
Jacksons Law Firm
17 Falcon Court, Preston Farm Industrial Estate
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TS18 3TU

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Authorised and regulated by the Solicitors Regulation Authority.

**In the application of Cleveland Leisure Centres Limited for an Adult Gaming Centre at
17a Parkway, Coulby Newham TS8 0TJ**

Mandela Room Middlesbrough Town Hall 7 February 2024 10.00.

Evidence of John Graham (applicant)

1. I am John Andrew GRAHAM, 47, managing director of the applicant company, Cleveland Leisure Centres Limited of 36-38 Kings Road, Middlesbrough, TS3 6NF. I am also managing director of our sister company, Luxor Leisure Limited.
2. Cleveland Leisure, founded in the 1960s and incorporated by my mother and father on 14th August 1973 has been operating for over 50 years with no issues with the licensing authorities or any of the regulatory authorities.
3. Luxor Leisure Limited was incorporated in 2001 to administer the AGC in Thornaby Town Centre where there have likewise been no issues.
4. Both Cleveland and Luxor Leisure Limited make annual donations to GambleAware in excess of the recommended amounts.
5. I joined the business as a trainee manager in 1994 shortly after I left school, gradually taking more responsibility until I became managing director in 2019 following the passing of my mother.
6. Cleveland Leisure Centres Limited and Luxor Leisure Limited are both members of BACTA being the trade association for the gaming machine industry in the UK.
7. The companies currently operate the following three sites
 - Leisureland Casino Slots – Melton Mowbray (Cleveland Leisure)
 - Leisureland Casino Slots- North Ormesby (Cleveland Leisure)
 - Leisureland Casino Slots-Thornaby (Luxor Leisure)
8. I have held an operator's licence for Luxor Leisure Limited in my personal name since 2001 and hold the current premises licenses for both Thornaby and Norton.

9. I attend the EAG (Entertainment, attractions & Gaming International Expo) conference annually and as a company, share the same aims of safer, fairer and crime free gambling discussed by Andrew Rhodes at the GambleAware Annual conference 6th December 2023.

10. All our sites are part of SMARTHUB IHL (a specialist industry software delivering an array of support applications and products for the gaming industry). The IHL Hub is accessed through a single launcher interface, the protective solutions including.

(i) **SmartExclusion** – Tablet based paperless self-exclusion providing instant player protection.

(ii) **SmartALERT**- Secure incident reporting solution to prevent crime and fraud in our venues.

(iii) **SmartINTERACTION**- Customer interaction application to improve customer satisfaction.

(iv) **SmartINCIDENT** – Secure logging of in-venue incidents regarding customer behaviour

(v) **AV & AML Logs** (Automatic age Verification & Anti Money Laundering)– Provide Venue Protection

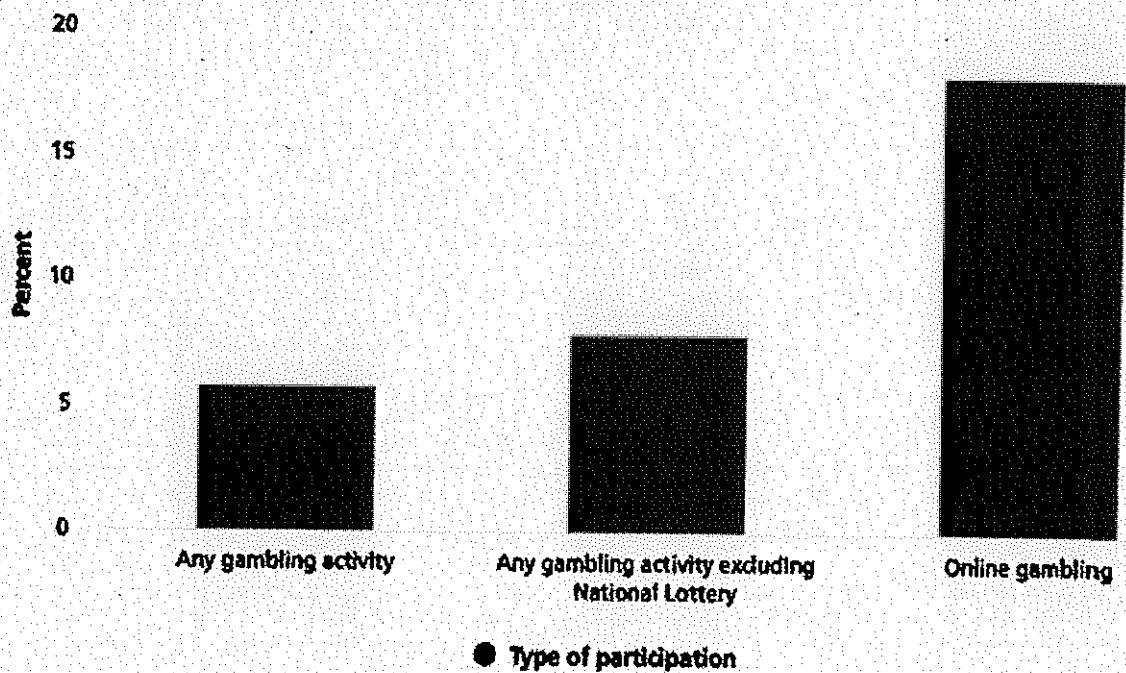
11. In addition to permanent self-exclusion, we have introduced an optional 2/4 week break for customers, which if elected and served is automatically reviewed after 1 month. This is an additional measure to promote and sustain responsible/safer gambling.

12. We wholly understand our legal and moral responsibility to provide a safe gambling environment. We have policies and procedures in place that encourage customers to accept their personal responsibility to gamble within their means and signposting and blocking those that cannot, aiming to further reduce the possibility of harm.

13. According to BACTA Chief executive John White stated on 10th November 2023 that the numbers within our sector who experience problems is at a record low level.

14. According to the PGSI (Problem Gambling Severity Index) problem gambling prevalence among adults was 0.5%. The confidence interval around the estimate for all adults is 0.3% to 0.7%, meaning we can be 95% confident that the true estimate falls

Prevalence of at-risk and problem gambling (PGSI), by type of activity undertaken



between these two values.

John Graham

29 January 2023

BACTA HANDBOOK

Adult Gaming and Licenced Family Entertainment Centres

Designed for Company Directors
and Senior Management

Effective Jan 2023



GAMBLING ACT 2005

Licence Conditions & Codes of Practice

Policy Procedure Documents and Key Events

Source of Reference: The Gambling Commission

Introduction

- Your Operating Licence is subject to certain conditions and codes of practice (LCCP) that must be complied with to protect your licence.
- Codes of practice are either:
 - social responsibility code provisions which must be adhered to by all licence holders
 - 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.
- **ordinary code provisions** – these do not have the status of licence conditions but failure to take account of them can be **used as evidence in criminal or civil proceedings**.
- There are four types of licence condition, and they have different status in law, but you need to comply with them all:
 - General licence conditions can be applied by the Gambling Commission to an individual operating licence or a class of operating licence (for example, all AGC operating licences).
 - Individual licence conditions can be applied by the Gambling Commission to an individual operating licence. They are likely to address matters concerning an individual operator and their activities.
 - Conditions imposed by the Secretary of State may be applied to a class of operating licence using statutory instruments (amendments to the law).
 - Statutory conditions imposed by the Gambling Act 2005 may be applied to a class of operating licence.
- This Handbook is designed to incorporate the conditions for licensees to ensure compliance with any relevant social responsibility provision of a code of practice issued by the Gambling Commission and is applicable to:
 - Gaming Machine General: Adult Gaming Centre Licences, and
 - Gaming Machine General: Family Entertainment Centre Licences
- All key requirements necessary to ensure compliance are incorporated but it is important that you also refer to the most up to date LCCP version published by the Commission, currently:
 - **LCCP link: [Licence Conditions and Codes of Practice - Gambling Commission](#)**
- It is absolutely right that licensees themselves should determine how to apply LCCP requirements when formulating their company policies and procedures and how to assimilate into operational systems. This Handbook suggests policy and procedure documents that incorporate requirements, together with a series of logs for the necessary recording of incidents. In addition, there are suggested procedures and forms for dealing with and recording complaints and disputes, suspicious monetary transaction, and other relevant matters.
- The Handbook is amended from time to time, reflecting changes made to LCCP by the Commission, therefore it is imperative that operators ensure they have the most up-to-date version, currently:
 - Bacta/2021/Jan/01
- The version reference is printed at the bottom left corner of the cover page and repeated on each page of the Handbook. All previous versions are not fit for purpose and should be deleted from files and systems.

- The Handbook is principally intended for licensees and senior management. Staff training, more appropriate for junior members of staff who interface with customers - can be obtained from bacta.

GAMBLING ACT 2005

The Licensing Objectives

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

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

PRINCIPAL CONCEPTS

- Statement
- The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice and monitoring of the following policies and procedures are regularly reviewed and subject to change as part of our ongoing risk assessment. We are members of bacta and are bound by its Code of Conduct and Social Responsibility Charter.
- Licensing Objectives
 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 2. Ensuring that gambling is conducted in a fair and open way.
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Policy and Procedures
 - We put into effect policies and procedures intended to promote socially responsible gambling that includes making an annual financial contribution for education and research into the prevention and treatment of gambling-related harm, the development of harm prevention measures and the treatment of those with gambling related disorders.
 - We operate an on-going training program for staff to ensure awareness and compliance of our social responsibility and other statutory requirements. Individual written policies and procedures are in place and adhered to in respect of:
 - a) Access to Gambling by Children and Young Persons
 - b) Access to Premises by the Gambling Commission's Enforcement Officers
 - c) Advertising Standards and Marketing
 - d) Customer Interaction
 - e) Employment of Children and Young Persons
 - f) Fair and Open Practice and Dispute Resolution
 - g) Information on how to Gamble Responsibly and Help for Problem Gamblers
 - h) Suspicious Monetary Transactions and Cash Handling
 - i) Self-Exclusion
 - We operate our business with integrity, due care, and diligence with necessary systems in place to combat crime and disorder. Written policies and procedures are in place concerning the handling of cash and cash equivalents designed to minimise the risk of crime, such as money laundering and the avoidance of illicit credit.
 - Conflicts of interest between the Company and our customers are managed transparently and fairly, and, where complaints related to the outcome of gambling are not resolved to the satisfaction of both parties, we will refer the complainant to an approved alternative dispute resolution (ADR) entity.
 - Gaming machines comply with the Gambling Commission's technical standards; exhibit the applicable maximum stake and monetary prize levels, and the chances of winning. Gambling general terms and conditions are displayed.
 - We do not provide credit in connection with gambling nor participate in, arrange, permit, or knowingly facilitate the giving of credit in connection with gambling.

- We seek to prevent systematic or organised money lending between customers on the premises, and staff are trained to be alert to such practice, and to report any instances of substantial money lending to the Duty Manager should they become aware of such instances.
- It is prohibited to consume alcohol on our premises.
- Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to these policies and accompanying logs, they are required to sign the training log to this effect, a copy of which will be retained for future reference.

INDEX

COVER PAGES

INTRODUCTION

- Licensing Objectives 4
- Principal Concepts 5

INDEX

POLICY DOCUMENTS

- Access to Gambling by Children and Young Persons 8
- Age Verification Testing 9
- Access to Premises by the Gambling Commission's Enforcement Officers 10
- Advertising Standards and Marketing 12
- Customer Interaction 14
- Employment of Children and Young Persons 15
- Fair and Open Practice and Dispute Resolution 16
- Information on how to Gamble Responsibly and Help for Problem Gamblers 18
- Money Laundering, Cash Handling & Suspicious Transactions 20
- Self-Exclusion 22

CODE PROVISIONS

- Responsibility for Third Parties (Code Provision 1.1.2) 25

GENERAL CONDITIONS

- Qualified Persons 25
- Personal Licences 25

KEY EVENTS

- Operator Status 26
- Relevant Persons and Positions 27
- Financial Events 27
- Legal or regulatory proceedings or reports 28
- Gambling Facilities 29
- Other Reportable Events 29
- GENERAL & REGULATORY RETURNS 29
- PAYMENT 30
- Cash and Cash Equivalents, Payment Methods and Services 30
- Provision of Credit by Licensees and the use of Credit Cards 30
- REPORTING SUSPICION OF OFFENCES 30
- RESPONSIBLE PLACEMENT OF DIGITAL ADVERTS 30

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

ACCESS TO GAMBLING BY CHILDREN AND YOUNG PERSONS

- It is illegal for any person who is under 18 years of age to be permitted entry to an Adult Gaming Centre or Adult Gaming Area.
- Policy and Procedures
- Our policies and procedures with regard to age restriction take into account the structure and layout of our gambling premises so as to prevent access to gambling by children and young persons, and that our facilities do not appeal to children and young persons.
- Clear and prominent signage is placed at the entrance(s) to our Adult Gaming Centre(s) and adult area(s) stating that it is illegal for persons under the age of 18 years to enter and for the Company to permit entry.
- It is a matter of gross misconduct if a member of staff knowingly allows entry by any person who is under the age of 18 years to our Adult Gaming Centre(s) or Adult Gaming Area(s).
- Any person known to be under 18 years of age is refused entry.
- Any person who appears to be under 18 years of age and has not previously provided satisfactory proof to the contrary, is asked to provide appropriate identification when it comes to the attention of staff and before an attempt to gamble. Members of staff are trained to 'think 25' as a minimum.
- If the person admits to being under the age of 18, they are refused entry.
- Should they claim to be 18 or over and there is still doubt, satisfactory proof of age is requested and has to be provided before entry is allowed. Incidents involving suspected forged documents will be recorded and reported.
- Proof of age documents must contain a photograph from which the individual can be identified; state the individual's date of birth; be valid, and legible. It should bear no visible signs of tampering or reproduction.
- Acceptable forms of identification include those that carry the PASS logo (e.g., Citizen card); a driving licence (including a provisional licence) with photograph; a passport or a military identification card. A range of digital proof of age apps are now available (e.g., Yoti) which are robust and helpful in providing evidence of age. Any app which is unfamiliar should be investigated to satisfy the venue that it is genuine. A note of app should be made in the AV log.
- Where there is still doubt and the person cannot produce proof of age, they are advised that they will not be permitted to enter until such time as they provide such proof.
- They will be shown, have explained to them, and be given a 'proof of age card' application form or offered an explanation on how to apply for a card or directed to a digital proof of age app.
- Should the person then refuse to leave, they are advised that the age restriction is a legal requirement.
- If they still will not leave, the Duty Manager is immediately contacted to take over the situation.
- Any attempts by under-18s to enter the premises or designated adult area(s) and gamble are brought to the attention of the Duty Manager immediately and recorded as an entry on a log retained on the premises for this purpose.
- Details of the entry in the AV log to include date, time, identity and date of birth of the individual, if known - or detailed description if unknown - member of staff dealing, action

taken, the outcome and measures put in place to prevent a re-occurrence. Log to be countersigned by the Duty Manager.

- Service is refused in all circumstances where any adult is accompanied by a child or young person.
- All gaming machines, other than category 'D' machines, are inscribed with a notice prohibiting play by persons under the age of 18 years, although it should be noted that bacta members have voluntarily introduced a Code of Conduct provision which prohibits those under 18 years of age playing on cash pay-out reel-based Category D machines.
- Stakes are returned to under-18s where they have been identified as gambling in AGCs or adult-only areas and are not permitted to retain any monetary prize.
- Link: [LCCP Condition - Gambling Commission \(SR Code\)](#)
- [LCCP Condition - Gambling Commission \(Ordinary Code\)](#)

AGE VERIFICATION TESTING

- Companies in Operating Licence fee category C or higher, whereby they are permitted to operate AGCs, or more licenced FEC premises.
- It is a requirement to conduct ongoing age verification testing or take part in collective age verification testing programs so as to provide reasonable assurance that policies and procedures to prevent underage gambling are effective.
- It is a further requirement that the results of age verification tests carried out by the Company are provided to the Gambling Commission. You must send the results within 42 days of the end of the financial quarter when the test purchasing activity was conducted.
-
- Test results must be submitted using the Excel spreadsheet as detailed in the below link. The link provides detailed guidance to operators regarding age verification testing:
- <https://www.gamblingcommission.gov.uk/guidance/guidance-to-operators-for-age-verification-test-purchasing-non-remote>
- Note: It is a condition of bacta membership that age verification tests are carried out by all AGC licensees, and that the results of testing are shared with the Commission.
- Bacta's protocol for age verification testing is accredited by a Unitary Authority (Reading Borough Council); the protocol is appended to this Handbook.
- Operators also need to satisfy the below Ordinary Code provisions depending on the type of venue:

AGC – Ordinary Code 3.2.4

- Companies in Operating Licence fee category A & B, whereby they are only permitted to operate AGCs, or licenced FECs.
- It is a requirement that Licensees should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling, for example through collective test purchasing programs, and be able to explain their approach.
- 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.

- Licensees should put into effect procedures that require their staff to check the age of any customer who appears to them to be under 21.
- 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.
- 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.
- Licensees in fee categories A or B should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling (for example by taking part in a collective test purchasing programme) and should be able to explain to the Commission or licensing authority what approach they have adopted.
- 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.

FEC – Ordinary Code 3.2.5

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

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

ACCESS TO PREMISES BY THE GAMBLING COMMISSION'S ENFORCEMENT OFFICERS

- Policy and Procedures
- The Company acknowledges its obligation to ensure that staff openly co-operate with the Gambling Commission 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 document) and that:
- The Company must provide the Gambling Commission with any information that the Commission would reasonably need to be aware of in exercising its regulatory functions 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 of practice provision having the effect of a licence condition. Changes in key circumstances must be reported within five days of their occurrence in accordance with the terms set out in the Operating Licence.
- The Company must provide the Gambling Commission with such information as the Commission may require from time to time about the use of facilities provided such as:
 - i. the numbers of people making use of the facilities and the frequency of such use;
 - ii. the range of gambling activities provided by the licensee and the number of staff employed in connection with them; and
 - iii. the licensee's policies in relation to, and experience of, problem gambling.
- The Company must submit a 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, meet the reasonableness test under the Unfair Contract Terms Act 1977.
- The Appointed Manager will be informed immediately a Gambling Commission Enforcement Officer properly identifies himself on the premises and will attend to the Officer without undue delay. Staff will always co-operate with the Commission's Enforcement Officers.
- Link: [LCCP Section - Gambling Commission](#)

GAMBLING ACT 2005

PART 15

- Members of staff are to always co-operate with the Commission's enforcement officers in the proper performance of their compliance functions.
- The officers' rights of entry to premises are contained in Part 15 of the Act which deals with inspection (Sections 303 to 326). A constable, enforcement officer or authorised person under the Act may enter premises for the purpose of assessing compliance or assessing whether an offence is being committed. 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 (Section 306). Entry may also be for the purpose of discovering whether facilities for gambling are being provided, to determine whether an operating licence or premises licence is held and to determine whether facilities are being provided in accordance with terms and conditions of an operating licence (Section 307).
- Entry may also be made to assess the likely effects of activity when application has been made for a premises licence. A constable or enforcement officer may require the holder of an operating licence to produce, within a specified period, a copy of the authorisation (Section 316). Failure to comply without reasonable excuse to a request to produce a copy of the authorisation may result in an offence and be liable on summary conviction to a fine not exceeding level 2. Section 317 sets out powers of the constable, enforcement officer or authorised person and include inspection of any part of the premises or any machine on anything on the premises, questioning any person, access to written or electronic records, remove or retain evidence of committing an offence or breach of terms and conditions. Section 20 provides that the power of inspection must be exercised only at a reasonable time. The enforcement officer or authorised person must provide evidence of his identify and authority (Section 321). Section 323 provides that a constable, enforcement officer or authorised person may use reasonable force to enter a premises. Section 326 provides that it is an offence to obstruct a constable, enforcement officer or authorised person in carrying out their duties.
- Compliance Assessments
- If you are required to take part in a compliance assessment the Gambling Commission will contact you by phone first and follow up with a letter.
- The letter will explain which type of assessment you will take part in:
 - full assessment
 - targeted assessment
 - thematic assessment
- You will need to contact the Gambling Commission to confirm you can make the assessment. If you cannot attend it's important you let them know as soon as possible.
- There may be circumstances where your business could be involved in an unannounced compliance visit from Gambling Commission staff.

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

ADVERTISING STANDARDS AND MARKETING

- Policy and Procedure
 - All advertising and marketing by the Company complies with standards set by the Committee of Advertising Practice (CAP), the Broadcast Committee of Advertising Practice (BCAP) and the Gambling Advertising Code.
 - We ensure that our marketing communications, advertisements, and invitations to purchase (within the meaning of the Consumer Protection from Unfair Trading Regulations 2008), including 'free bet' offers, do not amount to, or involve misleading actions or misleading omissions within the meaning of those regulations.
 - We adopt the general principles that our advertising is:
 - legal, decent, honest and truthful;
 - prepared with a sense of responsibility to consumers and to society;
 - respectful to the principles of fair competition generally accepted in business; and
 - not intended to bring advertising into disrepute.
 - Specifically, we ensure that:
 - advertising contains nothing that is likely to lead people to adopt styles of gambling that are unwise;
 - advertisements and promotions are socially responsible and do not encourage excessive gambling
 - care is taken not to exploit the young, the immature or those who are mentally or socially vulnerable;
 - advertising is not directed at people under the age of 18 years through the selection of media, style of presentation, content, or context in which they appear. No medium is used to advertise gambling if more than 20% of its audience is under 18 years old;
 - persons shown gambling are not, nor do they appear to be, under 25 years of age;
 - there is honesty at all times with regard to the chances of winning, the likelihood of a big win, and the odds or pay-out ratio that applies to the gambling on offer;
 - advertising and promotional material carries a reference for the need to keep gambling under control;
 - it is never suggested or implied that gambling is a means of getting out of financial difficulty;
 - advertising and marketing material should not appear on any primary web page/screen or micro-site that provides advice or information on responsible gambling;
 - we follow any relevant industry code on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.
 - Useful links:
 - [ASA - Advertising Standards Authority](#)
 - [IGRG-6th-Edt-Draft-FINAL.pdf \(bacta.org.uk\)](#)
 - Marketing and Promotion
- 1) If a licensee makes available to any customer or potential customer any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services, or any other advantage (including the discharge in whole or in part of any liability of his) ('the benefit') the scheme must be designed to operate, and be operated, in such a way that:

- a) the circumstances in which, and conditions subject to which, the benefit is available are clearly set out and readily accessible to the customers to whom it is offered;
 - b) neither the receipt nor the value or amount of the benefit is:
 - i) dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency; or
 - ii) altered or increased if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered.
 - c) if the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases; and further that:
 - d) if the benefit comprises free or subsidised travel or accommodation which facilitates the customer's attendance at particular licensed premises the terms on which it is offered are not directly related to the level of the customer's prospective gambling.
- 2) If a licensee makes available incentives or reward schemes for customers, designated by the licensee as 'high value', 'VIP' or equivalent, they must be offered in a manner which is consistent with the licensing objectives.
- Before any operator makes a customer a VIP, from it must:
 - Establish that spending is affordable and sustainable as part of the customer's leisure spend
 - Assess whether there is evidence of gambling related harm, or heightened risk linked to vulnerability
 - Ensure the licensee has up to date evidence relating to identity, occupation and source of funds, and;
 - Continue to verify the information provided to them and conduct ongoing gambling harm checks on each individual to spot any signs of harm.
 - Operators will appoint a senior executive who holds a personal management licence (PMLs) to oversee their respective scheme - making individuals personally accountable.
 - Link: [High Value Customers: Industry guidance - Gambling Commission](#)

Document: [High Value Customers: Industry Guidance](#)

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

CUSTOMER INTERACTION IN RELATION TO IDENTIFYING CUSTOMERS WHO MAY BE SUSCEPTIBLE TO GAMBLING HARM

- Policy and Procedures
- Members of staff are required to interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling. This includes:
 - 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 their actions and approach.
- Staff must also take into account the Commission's guidance on customer interaction.
- On occasions customers act in a disruptive, anti- social or aggressive manner. Staff will attempt to interact and provide suitable interventions including self-exclusion when those actions relate to problem gambling. If a customer refuses to accept help or support or their actions are not problem gambling related consideration can be given to refusing service or barring a customer.
- On some occasions Police may be called to deal with an incident. A Police Incident log is required to be completed when the incident is directly related to gambling activity (including those where Police have been unable to attend).
- This policy document is to be read in conjunction with the additional Customer Interaction guide for managers and staff (see part 2 of Handbook) together with the Gambling Commission formal guidance on customer interaction for premises- based operators. Operators may have arrangements in place for staff to refer any issues to a Duty Manager.
- There is an obligation for all operators to record and act upon any customer interaction and the Bacta portal ensures that members comply with the LCCP.
- The Portal is browser based and works on tablet, mobile and desktop and is compatible with all major operating systems.
- The Bacta Portal is available to members and will be used to record all customer interactions and self-exclusion of customers from the operators own site and other AGC's and MSA's.
- **Link to Bacta Portal: [BactaExclusion \(bacta-selfexclusion.org.uk\)](https://bacta-selfexclusion.org.uk)**
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GAMBLING ACT 2005: Licence Conditions and Codes of Practice

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

- Policy and Procedures
- It is an offence for children (under-16s) and young persons (those aged 16 and 17) to be engaged, or permitted to be engaged in:
 - Providing facilities for gambling.
 - Performing any function (including cleaning) in connection with a gaming machine at any time.
 - Carrying out any other function on Adult Gaming Centre licensed premises, whether directly employed or not, whilst any gambling activity is being carried on in reliance on the premises licence.
- All relevant staff, including children and young persons, employed by this Company have been trained about the laws relating to access to gambling by children and young persons.
- It is strict Company policy that:
 - Children and young persons are not employed to carry out any work in an adult-only area of family entertainment licensed premises at a time when any gambling is taking place.
 - Gaming machines sited in Adult Gaming Centres or adult gaming areas are turned off if children and/or young persons are working on the premises outside the hours when the premises are open for business.
 - Due diligence is given to verifying the age of all new members of staff where there is reason to doubt authenticity of birth dates supplied.
 - The movement of children and young persons employed on the premises are carefully monitored and supervised so as to ensure compliance.
- **LCCP link re FEC: [LCCP Condition - Gambling Commission](#)**
- **LCCP link re AGC: [LCCP Condition - Gambling Commission](#)**
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GAMBLING ACT 2005: Licence Conditions and Codes of Practice

FAIR AND OPEN PRACTICE - COMPLAINT AND DISPUTE RESOLUTION

- Complaints Procedure
- The Company is committed to providing a high quality, accessible and responsive service to customers and the local community. However, dissatisfied customers may communicate a complaint to us either verbally or in writing. All complaints are taken seriously, investigated thoroughly, and handled in a confidential manner. If the complaint cannot be resolved to the satisfaction of both parties on site, a copy of our written procedure for dealing with complaints, together with a complaint form, is supplied to the complainant at the earliest opportunity together with the name and status of the Company representative delegated to deal with the complaint.
- Licence holders should allow customers to raise complaints for at least 6 months from the date of the incident and provide customers with an acknowledgement of the complaint as soon as reasonably possible, but in any case, within three working days of receiving it or if they offer 24hr gambling facilities within 24hours of receiving it.
- Complainants should provide us with a comprehensive description and nature of the complaint; whether it is an original complaint, or where the outcome of a previous complaint was found unacceptable, and their name and postal address including a contact telephone number. We deal with complaints in a timely, fair, open, and transparent way.
- A 'complaint' means an expression of dissatisfaction, whether spoken or written, about any aspect of the way the licensee conducts their licensed activities. For example, a complaint:
 - a) about the outcome of a gambling transaction
 - b) about the way a gambling transaction has been managed
 - c) that concerns the way the licence holder carries out its business in relation to the three licensing objectives.
- A 'dispute' is any complaint which:
 - a) is not resolved under the Company's complaints procedure; and
 - b) relates to the outcome of the complainant's gambling transaction.
- In the first instance, the Company will endeavour to resolve the complaint to the satisfaction of both parties within eight weeks.
- In the event that a complaint relating to the outcome of a customer's gambling is unable to be satisfactorily resolved between the Company and the complainant, the complainant will be given contact details of an Alternative Dispute Resolution (ADR) entity within the eight-week period mentioned above.
- Bacta members can use, free of charge, the bacta ADR Service.
- Link: <http://pegasusadrservice.org.uk>
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- Complainants also have the means and opportunity of submitting their own version of events.
- The dispute is investigated in full by the ADR entity.
- The services of any such ADR entity must be free of charge to the customer.
- Both parties are notified in writing of the review outcome with suggestions of a resolution if appropriate.

- This procedure may, but need not, provide for the ADR entity's resolution of the dispute to be binding on both parties.
- In addition to referring complainants to ADR process, we do not introduce terms which restrict or purport to restrict the customers' right to bring proceedings against the Company in any court of competent jurisdiction.
- The Company is obliged to keep a record of all complaints and disputes, other than those considered to be trivial, including all disputes referred to the ADR entity that are not resolved at the initial stages of the complaints procedure. There is a requirement to submit reports of the outcome of disputes referred to the ADR entity to the Gambling Commission at intervals determined by the Commission either by the ADR entity or by the Company.
- The Company is satisfied that the terms on which gambling is offered are not unfair within the meaning of the Consumer Rights Acts 2015 and is compliant with those terms.
- An accurate summary of the contractual terms on which gambling is offered is available to customers who are notified of material changes to terms before they come into effect.

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

INFORMATION ON HOW TO GAMBLE RESPONSIBLY AND HELP FOR GAMBLERS WITH PROBLEMS

- Stay in control advice
- Without breaching the principle that customers are responsible for their own gambling, the nature of the activity suggests that they should be reminded of the need to exercise caution. Accordingly, signage in the form of an appropriate number of posters or other appropriate means is displayed on our premises:
- Giving clear guidance that in order to keep gambling a fun social activity the customer needs to 'stay in control'.
- Drawing attention to further information, such as leaflets that are available on the premises.
- Indicating sources of help such as the National Gambling Helpline operated by GamCare.
- Large enough and written in language so as to be easily seen and understood.
- Prominently displayed.
- Maintained in a clean and tidy condition, preferably within a glass fronted frame.
- Advertising sources of help
- At the core of exercising a duty of care is the principle of assisting customers who may wish to express concern about their gambling. This tenet is drawn to the attention of customers on our premises in the following ways:
- The prominent display of 'Responsible Gambling' or 'Stay in Control' information.
- There are holders or racks containing leaflets in appropriate places that emphasise the need to keep gambling under control and where to seek help should anyone be concerned about their own or a family member's gambling. These leaflets are available to be taken away from the premises without the necessity of having to ask for them.
- The leaflets are available at all times for customers to take discreetly without having to ask a member of staff and are located in the gambling area either near to exit doors, ATMs or toilets. We endeavour to maintain an effective stock control system to ensure that such leaflets are always available to supply. Signposting Information may also be made available through the use of links for online or smart technology.
- Details of GamCare, giving the National Helpline telephone number is inscribed on all appropriate categories of gaming machines.
- Protecting those who seek assistance
- Responding to someone who admits to having a problem with their gambling is a delicate matter that has to be timely and needs to be approached sensitively. It is our policy that:
- rules and procedures relating to a policy of responding to problem gamblers are clearly formulated and incorporated into our day-to-day operation;
- at least one member of staff who has been trained to deal with situations that might require a response is on duty at any one time, or available without undue delay;
- Staff will engage with customers as they deem necessary to provide advice and support in their interactions. A number of gambling management options will be considered including self-exclusion for those who have lost control. (Refer to full guidance on customer interaction and self-exclusion).
- we draw to the attention of relatives who express concern about a family member's gambling the options available to that person should they wish to address the extent of their gambling;
- members of staff do not collude with customers when asked to lie on their behalf, and

- where services are marketed in one or more foreign languages, we make available information on how to gamble responsibly, access to help, guides to the playing of any game, and a summary of the contractual terms on which gambling is offered in that, or those, foreign languages.
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GAMBLING ACT 2005: Licence Conditions and Codes of Practice

MONEY LAUNDERING, CASH HANDLING AND SUSPICIOUS TRANSACTIONS

- Introduction
- As part of its procedures for compliance with the requirements in respect of the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the Terrorism Act 2000, the Company takes into account the Commission's advice on the Proceeds of Crime Act 2002, Duties and responsibilities under the proceeds of Crime Act 2002 – Advice for operators (excluding Casino operators).
- Money Laundering Definition
- Money laundering is a process by which the proceeds of crime are converted into assets which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises. This definition of money laundering means that potentially any employee could contravene the Regulations if they were to become aware of or suspect the existence of criminal property and continue to be involved in a matter which relates to that property without reporting their concerns.
- Policy
- The Company is committed to ensuring that all necessary safeguards are in place with regard to the receipt of money in order to avoid it being used to launder money that may originate from the proceeds of crime.
- The Company has appointed a Designated Money Laundering Officer (MLO)
- All relevant staff are trained on the requirements of the Regulations and told of the need to report any suspicious cash transactions, including the systematic, organised, or substantial money lending between customers to the MLO for the purpose of informing the relevant authorities.
- Disclosure Procedure
- Where it is suspected by a member of staff that money laundering activity is taking/has taken place, a disclosure must be made to the MLO as soon as possible. Because of the importance attached to the process, notification should normally take place immediately by telephone or, where that is not possible, by any other expedient means.
- No discussion will take place with colleagues as confidentiality is paramount.
- The MLO will determine whether or not to submit - online or otherwise - a suspicious activity report (SAR) to the National Crime Agency (NCA) and will maintain records of all notifications received detailing the method of verification used to identify the suspected person.
- Cash Handling
- Operating policies and procedures are in place with regard to accounting practices and record keeping in respect of:
 - i. Monetary stakes introduced to machines (gross takings),
 - ii. Money introduced to re-float machines
 - iii. Token transactions
 - iv. Customer refunds due to machine malfunctions.
 - v. Money removed from machines (net takings)
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- Anti-Money Laundering

- Prevention of money laundering and terrorist financing
- Licence Condition 12.1.1
- 1. Licensees must conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes of circumstances, including the introduction of new products or technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.
- 2. Following completion of and having regard to the risk assessment, and any review of the assessment, licensees must ensure they have appropriate policies, procedures, and controls to prevent money laundering and terrorist financing.
- 3. Licensees must ensure that such policies, procedures, and controls are implemented effectively, kept under review, revised appropriately to ensure that they remain effective, and take into account any applicable learning or guidelines published by the Gambling Commission from time to time.
- As part of their procedures for compliance with the requirements in respect of the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the Terrorism Act 2000, licensees should take into account the Commission's advice on the Proceeds of Crime Act 2002, Duties and responsibilities under the Proceeds of Crime Act 2002 - Advice for operators (excluding casino operators).
- HM Treasury has decided to exempt all gambling sectors from the EU 4th Anti-Money Laundering Directive with the exception of non-remote and remote casinos.
- This means that only remote and non-remote casinos will have to comply with the new Money Laundering Regulations introduced in June 2017.

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

SELF-EXCLUSION

- Policy and Procedures
- Licensees and operators must have procedures in place for self-exclusion for their customers. You must take all reasonable steps to prevent an individual who has been self-excluded from participating in gambling.
- You must be able to offer customers the opportunity to self-exclude not only in your venue but also similar gambling facilities in the locality.
- Systems available for the AGC and other sectors are known as Multi Operator Self- Exclusion Schemes (MOSES).
- This policy document is to be read in conjunction with the additional Customer Interaction guide for managers and staff together with the Gambling Commission formal guidance on customer interaction for premises- based operators. Operators may have arrangements in place for staff to refer any issues to a Duty Manager.
- MOSES system overview
- Bacta operates its own scheme called Bacta Self-Exclusion Services Ltd (BSESL)
- The bacta (MOSES) system is now incorporated within the bactaPortal.
- There is an interactive bactaPortal training manual / user guide available to assist operators, managers, and staff in the use of relevant modules including self-exclusion and customer interaction.
- Other MOSES systems are available for use by AGC operators.
- Historically BSESL has offered the opportunity for customers to exclude in the locality at various geographical distances up to 1Km. The present system only allows you and your staff to self-exclude in a 1Km radius from your premises. Regardless of which MOSES system you use all customers who self-exclude will be shown as excluded from all AGC premises within the exclusion area. In practice this means that a customer can exclude from multiple premises without visiting those other premises to self-exclude.
- For Motorway Service Areas (MSAs) who operate AGCs the locality for exclusions on the MOSES system is individual or multiple service areas on motorways or relevant A roads. A self-excluder who wishes to exclude from MSAs and High St AGCs will need to do so separately.
- LCCP requirements
- Duty Managers and all staff should be trained in self-exclusion.
- 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 can be offered for a period between 6 - 12 months. The period can be extended at the end of that period for one or more periods of 6 months.
- Staff should take into account specific requests from the customer including where they live, work and travel to gamble.
- A customer should be given the opportunity to self-exclude immediately without any form of cooling-off period or later return to the premises. However, if the customer wishes to consider self-exclusion further, they may return at a later date. It must be stressed that this process should entail a meaningful conversation. Operators should ensure that they have suitable staffing in place at all times.

- Self-excluders should be removed if found gambling or attempting to gamble at the premises. Staff are informed of breach alerts in venue and those within the locality on the MOSES system. Structure and layout of the premises should be taken into account when preventing access by self-excluders.
- Although difficult to identify, staff are also asked to consider instances of self-excluded individuals who get another person to gamble on their behalf.
- 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. The reinstatement process will normally take place in person. There is facility to allow this process to take place by telephone. Records of self-excluders are to be retained for this period. Although the GC does not expect any particular assessment or judgement to be made on reinstatement it does expect staff 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.
- Self-excluders still have the opportunity to self-exclude from other premises owned by a company. This system is administered by individual companies and sits outside of MOSES. If companies do decide to use this system, they should consider the use of multiple locality self-exclusions on the MOSES system which may be more desirable and appropriate for the customer in terms of their problem gambling needs.
- All reasonable steps should be taken to prevent any marketing materials being sent to self-excluders and to have the individual removed from marketing databases within 2 days.
- OTHER INFORMATION
- Problem Gamblers
- Most customers are able to enjoy and control their gambling. Some customers are at risk of problem gambling and others have more complex needs in terms of managing their gambling habits. On occasions some customers will express a wish to self-exclude beyond the locality of 1Km or across a number of geographical areas. The system to carry out extended self-exclusions is explained in the bactaPortal User Guide.
- Requirement for MOSES system
- Some licensees operate the only premises within a 1Km locality and have historically carried out a self-exclusion system which is not compatible with a MOSES system. As above in exceptional circumstances some customers will self-exclude across a large geographical area. All AGC operators must therefore be part of a MOSES system, or they will be in breach of LCCP requirements. Being part of a MOSES system is likely to be a bacta code of conduct provision.
- High St Bingo
- Operators who have a bingo licence are required to use the Bingo Assoc self-exclusion scheme. The scheme does not exclude someone from AGCs. Consideration is being given to integrate High St Bingo into Bacta Self-Exclusion and the Portal.
- Self-exclusion without entering premises
- Arcade staff carry out interactions and conversations about self-exclusion in an empathetic manner and as best they can in a confidential manner without interruption from other customers. However, some customers express a wish to self-exclude away from gambling premises. Operators should have arrangements in place to meet customers off site away from their venue. Operators will have necessary risk assessments completed to support staff in this process.

- **CODE PROVISIONS**

- **Responsibility for Third Parties**

- Licensees must take responsibility for third parties with whom they contract for the provision of any aspect of the licensee's business related to the licensed activities and ensure that the terms on which they contract with such third parties:

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

- **Notes:**

- The Commission is not interested in cleaning activities etc unless that has an impact on the licensed activities.
- Operators must also build in terms to those contracts to enable termination of the contract when things go wrong.
- There can be dispute resolution procedures which apply when these termination clauses are invoked.

- **GENERAL CONDITIONS**

- **Qualified Persons**

1. In this condition the terms 'small-scale operator', 'qualifying position' and 'qualified person' have the meanings respectively ascribed to them by the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.
2. Schedule X lists those individuals notified to the Commission as qualified persons.
3. If, whilst the licensee remains a small-scale operator, an individual begins or ceases to occupy a qualifying position in relation to the licensee, the licensee must within 28 days apply to the Commission under section 104(1)(b) of the Act for amendment of the details of the licence set out in Schedule X.
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.

- **PERSONAL LICENCES**

1. Subject to 6 and 7 below, licensees must ensure:
 - that each individual who occupies one of the management offices specified in 2 below in respect of the licensee or in connection with the licensed activities holds a personal licence authorising the performance of the functions of that office (hereafter 'a personal management licence'); and
 - that at least one person occupies at least one of those offices.
2. The specified management offices are those offices (whether or not held by a director in the case of a licensee which is a company, a partner in the case of a licensee which is a partnership or an officer of the association in the case of a licensee which is an

unincorporated association) the occupier of which is by virtue of the terms of their appointment responsible for:

- a. the overall management and direction of the licensee's business or affairs
 - b. the licensee's finance function as head of that function
 - c. the licensee's gambling regulatory compliance function as head of that function. The Commission makes explicit the approach that the head of compliance will not normally occupy (without Commission approval) any other specified management office, such as head of marketing. This LCCP requirement does not apply to small scale operators
 - d. the licensee's marketing function as head of that function
 - e. the licensee's information technology function as head of that function in so far as it relates to gambling-related information technology and software
 - f. oversight of the day-to-day management of the licensed activities at an identified number of premises licensed under Part 8 of the Act or across an identified geographical area
 - g. in the case of casino and bingo licences only, oversight of the day-to-day management of a single set of premises licensed under Part 8 of the Act.
3. The person responsible for the licensee's gambling regulatory compliance function as head of that function shall not, except with the Commission's express approval, occupy any other specified management office.
 4. Licensees must take all reasonable steps to ensure that anything done in the performance of the functions of a specified management office is done in accordance with the terms and conditions of the holder's personal management licence.
 5. Where an individual is authorised by a personal licence and that licence comes under review under section 116(2) of the Act, the operating licensee must comply with any conditions subsequently imposed on that licence by the Commission about redeployment, supervision, or monitoring of the individual's work and any requirements of the Commission in respect of such matters applicable during the period of the review.
 6. Paragraphs 1 to 5 above shall not apply to a licensee for so long as the licensee is a 'small-scale operator' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006 ('the Regulations').
 7. During the period of 3 years commencing with the date on which a licensee ceases to be a small-scale operator paragraphs 1 to 6 above shall apply subject to the proviso that the phrase 'each individual' in paragraph 1a shall not include any individual who was a 'qualified person' (as defined in the Regulations) in relation to the licensee 28 days immediately prior to the licensee ceasing to be a small-scale operator.

- KEY EVENTS

- A key event is an event that could have a significant impact on the nature or structure of a licensee's business. Licensees must notify the Commission, or ensure the Commission is notified, in such form or manner as the Commission may from time to time specify, of the occurrence of any of the following key events as soon as reasonably practicable and in any event within five working days of the licensee becoming aware of the event's occurrence.
 - If any key event happens within your business, you must tell the Gambling Commission about this. Key events can be reported securely online at the Commission's website through our eServices system
 - Alternatively, for operators unable to access this system, you can report a key event by email to: key.events@gamblingcommission.gov.uk
 - Operator status
1. In the case of licensees which are companies, a petition being presented for their winding up or the winding up of any group company of theirs, or they or any group company being placed in

administration or receivership or their directors proposing to creditors a composition in satisfaction of its debts or a scheme of arrangement of its affairs.

2. In the case of licensees which are bodies corporate, but not companies, any event substantially equivalent to those listed at 1 above.
3. In the case of a licensee who is an individual (or a partner in a partnership licensee) their being presented with a petition for their bankruptcy or sequestration or their entering into an individual voluntary arrangement.
 - Relevant persons and positions
4. In the case of licensees who are companies or other bodies corporate having a share capital, the name and address of any person who (whether or not already a shareholder or member) becomes a shareholder or member holding 3% or more of the issued share capital of the licensee or its holding company.
5. Any investment in a licensee which is not by way of subscription for shares.
6. The taking of any loan by the licensee, or by a group company who then makes an equivalent loan to the licensee, from any person not authorised by the Financial Conduct Authority: a copy of the loan agreement must be supplied.
7. The entering into an arrangement whereby a third party provides services to, or grants any licence concession or permission to, the licensee other than for full value: full details of the arrangements must be supplied.
8. The appointment of a person to, or a person ceasing to occupy, a 'key position': a 'key position' in relation to a licensee is:
 - a. in the case of a small-scale operator, a 'qualifying position' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006
 - b. in the case of an operator which is not a small-scale operator, a 'specified management office' as set out in (current) LCCP licence condition 1.2
 - c. a position the holder of which is responsible for the licensee's anti-money laundering procedures, including suspicious activity reporting
 - d. any other position for the time being designated by the Commission as a 'key position'. (Notification is required whether or not the person concerned is required to hold a personal management licence and whether or not the event notified requires the licensee to apply for a variation to amend a detail of their licence.)
9. Any change to the structure or organisation of the licensee's business which affects a 'key position' or the responsibilities of its holders
 - Financial events
10. Any material change in the licensee's banking arrangements, in particular the termination of such arrangements or a particular facility and whether by the licensee or the provider of the arrangements.
11. Any breach of a covenant given to a bank or other lender.
12. Any default by the licensee or, where the licensee is a body corporate, by a group company in making repayment of the whole or any part of a loan on its due date.
13. Any court judgments (in whatever jurisdiction) against the licensee or, where the licensee is a body corporate, a group company, remaining unpaid 14 days after the date of judgment.
14. Where the licensee is required to have their accounts independently audited, any qualification to an auditors' report; and any unplanned change of auditor including a change prompted by a dispute or resulting from auditors being unable or unwilling to sign an unqualified audit report.
15. Any change in the licensee's arrangements for the protection of customer funds in accordance with the general licence condition 4 relating to the protection of customer funds (where applicable).

16. Where the licensee holds customer funds in a separate bank account, any deficit on reconciliation of such bank account.
17. Any change in the licensee's arrangements as to the methods by which, and/or the payment processors through which, the licensee accepts payment from customers using their gambling facilities (this key event applies to remote casino, bingo and betting operating licences, except ancillary and remote betting intermediary (trading room only) licences).
 - Legal or regulatory proceedings or reports
18. The grant, withdrawal or refusal of any application for a licence or other permission made by the licensee, or in the case of a licensee which is a body corporate, any group company of theirs, to a gambling regulator in another jurisdiction. In the case of a withdrawal or refusal of the application, the licensee must also notify the reasons for such withdrawal or refusal. (This condition does not apply to applications for licences or other permissions to carry on activities which would fall outside the scope of a Gambling Commission operating licence if carried out in Britain or with customers in Great Britain.)
19.
 - a) Any investigation by a professional, statutory, regulatory or government body (in whatever jurisdiction) into the licensee's activities, or the activities in relation to the licensed entity of a personal licence holder or a person occupying a qualifying position employed by them, where such an investigation could result in the imposition of a sanction or penalty which, if imposed, could reasonably be expected to raise doubts about the licensee's continued suitability to hold a Gambling Commission licence.
 - b) Any criminal investigation by a law enforcement agency in any jurisdiction in relation to which:
 - the licensee is involved (including, but not limited to investigations of crimes allegedly committed against the licensee or involving the gambling facilities provided under the licence), AND
 - the circumstances are such that the Commission might reasonably be expected to question whether the licensee's measures to keep crime out of gambling had failed.
20. The receipt of any report from a professional, statutory or other regulatory or government body (in whatever jurisdiction) of the outcome of a compliance assessment in relation to the gambling activity of the licensee or, where the licensee is a body corporate, of any group company in which at least one person who holds a key position in or in respect of the licensee holds a key position: a copy of the report should be provided where available to the licensee.
21. The referral to the licensee's Board, or persons performing the function of an audit or risk committee, of material concerns raised by a third party (such as an auditor) about the provision of facilities for gambling which are expressed (in whatever terms) as requiring attention as a high priority: a summary of the nature of the concerns must be provided.
22. The imposition by the licensee of a disciplinary sanction, including dismissal, against the holder of a personal licence or a person occupying a qualifying position for gross misconduct; or the resignation of a personal licence holder or person occupying a qualifying position following commencement of disciplinary proceedings in respect of gross misconduct against that person.
23. The commencement (in whatever jurisdiction) of any material litigation against the licensee or, where the licensee is a body corporate, a group company: the licensee must also notify the outcome of such litigation.
24. The making of a disclosure pursuant to section 330, 331, 332 or 338 of the Proceeds of Crime Act 2002 or section 19, 20, 21, 21ZA, 21ZB or 21A of the Terrorism Act 2000 (a suspicious activity report): the licensee should inform the Commission of the unique reference number issued by the United Kingdom Financial Intelligence Unit of the National Crime Agency in respect of each disclosure and for the purposes of this key event the five working day period referred to above runs from the licensee's receipt of the unique reference number.

Gambling facilities

25. Any breach in the licensee's information security that adversely affects the confidentiality of customer data or prevents customers from accessing their accounts for longer than 24 hours.
26. Any change in the identity of the ADR entity or entities for the handling of customer disputes, as required by the social responsibility code provision on complaints and disputes.
27. The reference of a dispute to an ADR entity other than one in respect of which contact details were given in accordance with the social responsibility code provision on complaints and disputes; the reason for selection of that ADR entity should be given.
28. In the case of remote gambling, the commencement or cessation of trading on website domains (including mobile sites or mobile device applications) or broadcast media through which the licensee provides gambling facilities.
 - In this condition:
 - 'body corporate' has the meaning ascribed to that term by section 1173 of the Companies Act 2006 or any statutory modification or re-enactment thereof
 - in respect of a company, 'holding company' and 'subsidiary' have the meaning ascribed to that term by section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof
 - a 'group company' is any subsidiary or holding company of the licensee and any subsidiary of such holding company.
 - Licensees must also notify the Commission in such form or manner as the Commission may from time to time specify, or ensure that the Commission is so notified, as soon as reasonably practicable of the occurrence of any of the following events:
 - a) the conclusion of a dispute referred to an ADR entity and, in such case, providing the Commission with a copy of the decision or note of the outcome.
 - b) any outcome adverse to the licensee of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.
 - c) their becoming aware that a group company which is not a Commission licensee is advertising remote gambling facilities to those residing in a jurisdiction in or to which it has not previously advertised.
 - **GENERAL AND REGULATORY RETURNS**
 1. On request, licensees must provide the Commission with such information as the Commission may require about the use made of facilities provided in accordance with this licence, and the manner in which gambling authorised by this licence and the licensee's business in relation to that gambling are carried on, including in particular information about:
 - a. the numbers of people making use of the facilities and the frequency of such use
 - b. the range of gambling activities provided by the licensee and the numbers of staff employed in connection with them
 - c. the licensee's policies in relation to, and experiences of, problem gambling.
 2. In particular within 28 days of the end of each quarterly period or, for those only submitting annual returns, within 42 days of the end of each annual period, licensees must submit a Regulatory Return to the Commission containing such information as the Commission may from time to time require.
 - **Link: [Family Entertainment Centre - Gambling Commission](#)**
 - **Link: [Adult Gaming Centre - Gambling Commission](#)**
 -

- PAYMENT
- Cash and cash equivalents, payment methods and services
- Licence condition 5.1.1
- 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 (e.g. bankers drafts, cheques and debit cards and digital currencies) by customers, designed to minimize 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.
- Provision of Credit by Licensees and the Use of Credit Cards
- Licence Condition 6.1.1
- 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.
- REPORTING SUSPICIOUS OFFENCES
- Licence Condition 15.1.1
- Licensees must as soon as reasonably practicable provide the Commission or ensure that the Commission is provided with any information that they know relates to or suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a licence condition or a code provision having the effect of a licence condition.
- **Link: [LCCP Condition - Gambling Commission](#)**
- This information is to be reported to the Commission via the LCCP notifications part of the [eServices digital service \(opens in a new tab\)](#) on their website. You must select **LCCP Notification: Reporting offences/breaches when entering this LCCP notification on eServices:**
- RESPONSIBLE PLACEMENT OF DIGITAL ADVERTS
- Licence Condition 16.1.1
- 1. Licensees must:
 - a. ensure that they do not place digital advertisements on websites providing unauthorised access to copyrighted content;
 - b. take all reasonable steps to ensure that third parties with whom they contract for the provision of any aspect of their business related to the licensed activities do not place digital advertisements on websites providing unauthorised access to copyrighted content; and
 - c. ensure that the terms upon which they contract with such third parties enable them, subject to compliance with any dispute resolution provisions, to terminate the third party's contract promptly if, in the Licensee's reasonable opinion, the third party has been responsible for placing digital advertisements for the licensed activities on such websites.

PART 2

-
- Gaming General Terms and Conditions (Customer Notice) 32

LOGS

- Age Verification Log 33
- Customer Interaction 34
- Customer Interaction Example 37
- Incidents Requiring Police Assistance 40
- Self-Exclusion 41
- Summary Of Staff Training 42

FORMS & STATEMENTS

- Cat D guidance, Access to Gambling 43
- FEC Age Verification Log 44
- Age Verification Testing Methodology 45
- Customer Interaction Process 46
- Complaints Terms & Conditions 50
- Complaint Procedure Document 52
- Complaint Form - Customer 53
- Record of Complaints & Disputes 56
- Record of Suspicious Monetary Transactions 57

EVALUATIONS

- Compliance Evaluation 58
- System Checklist 64
- Risk Assessment Guidance Document 66
- Risk Assessment Template (Example) 78
- Risk Assessment Template 84
- Bacta Member Terms and Conditions 87

CUSTOMER NOTICE

Gaming General Terms & Conditions

-
- These Terms and Conditions (the "Generic Terms") apply to all gaming transactions entered into on these premises (the "Premises") except for Promotions which are covered by separate terms and conditions available on the premises.
-
- Any gaming transactions entered into on the premises shall be between the customer taking part in the particular transaction (the "Customer") (1) and (the "Company") (2)
-
- In these General Terms, the terms/conditions/rules displayed on the particular gaming machine are referred to as the "Specific Terms".
-
- Customers are strongly advised to read the Specific Terms. By entering into any gaming transaction by use of the particular gaming machine, the Customer shall be deemed to have read and accepted the Specific Terms applying.
-
- Minimum and maximum stakes and maximum prizes/wins are those displayed on the gaming machine in the Specific Terms.
-
- Members of staff have no authority to vary or amend the General Terms or the Specific Terms and any assistance or advice offered by them in relation to any gaming transaction shall be without prejudice to that position.
-
- In the event of a disputed outcome to any game, the Company complaint procedure will apply, a copy of which is available from a member of staff or from the Company at the address below:
-
-
- Company:
-
- Registered Address:
-
-
-

Company:

Site Address:

GAMBLING ACT 2005
Licence Conditions and Codes of Practice

Site Ref:

Bacta Handbook
Serial No. /

Age verification log

Note: This log is to be used where a person has been challenged before they were able to gamble and were not able to provide satisfactory identification that they were 18 years of age or older and in instances where a person has gambled and has been unable to provide satisfactory identification that they are 18 years of age or older.
Please tick appropriate box: 1 Challenged on entry; 2 Challenged while browsing; 3* Challenged during play (To be used for regulatory returns); 4 Challenged on exit
Examples of satisfactory identification include photo ID such as: Driving Licence, Passport, Military ID, Citizen card and digital ID, e.g., YOTI

Date	Time	1	2	3	4	Identity or Description	Action, outcome & preventative measures adopted	Member of Staff requesting identification	Duty Manager Informed (signature)
				*					

TO BE RETAINED ON THE PREMISES To be used in conjunction with the Company's policy and procedure concerning 'Access to Gambling by Children & Young Persons'.

CUSTOMER INTERACTION

Gambling Act 2005 - Licence Conditions and Codes of Practice (SR Code 3.4.1 2019)

All Licensees must interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling.
 This must include: **Identifying** customers that may be at risk of or experiencing harms associated with gambling.

Interacting with customers who may be at risk of experiencing harms associated with gambling.

Evaluating the impact of the interaction on the customer, and the effectiveness of the licensee's actions and approach.

Interaction	Date: / / Time: : hrs				
Name/ Nickname/ Description/Other identifier <small>*May affix photo</small>					
Previous interactions	Y <input type="checkbox"/>	N <input type="checkbox"/>	Record No:	/	/
Observation & indicators	<ul style="list-style-type: none"> • Time • Spend • Behaviour • Wishes to self-exclude 		<ul style="list-style-type: none"> • Machine alert • Reinstated self-excluder • Other vulnerability 		
Action	<ul style="list-style-type: none"> • Take a break • Limit time • Limit spend • Change machine category • Monitor Behaviour/gambling • Self-exclude 				
	<ul style="list-style-type: none"> • Signpost to GamCare • Issue stay in control leaflet • Issue play diary • Gamble management app • Time Out • No action taken 				
	Staff Observation <input type="checkbox"/> Customer Led <input type="checkbox"/> Comments:				
	Comments:				

<p>Review Period</p>	<p>4 weeks <input type="checkbox"/> 8 weeks <input type="checkbox"/> 12 weeks <input type="checkbox"/> None <input type="checkbox"/></p> <p>Review date / /</p>	
<p>Person Completing</p>	<p>Name..... Signed.....</p> <p>Date / /</p>	
<p>1st Review</p> <p>Discussion should outline action and activity since previous interaction.</p> <p>Any management tools used?</p> <p>Any positive change in behaviour?</p> <p>Has pattern of gambling changed?</p>	<p>Date / /</p> <p>Comments:</p> <p>4 weeks <input type="checkbox"/> 8 weeks <input type="checkbox"/> 12 weeks <input type="checkbox"/> None <input type="checkbox"/></p> <p>Review date / /</p>	
<p>Person completing 1st review</p> <p>Supervisor/ Manager *</p>	<p>Name..... Signed</p> <p>Date: / /</p>	<p>Name..... Signed</p> <p>Date: / /</p>

<p><u>Further Review:</u></p>	<p>Date / /</p> <p>Comments:</p>
<p><u>Review Period</u></p>	<p>4 weeks <input type="checkbox"/> 8 weeks <input type="checkbox"/> 12 weeks <input type="checkbox"/> None <input type="checkbox"/></p> <p>Review date / /</p>
<p><u>Person completing review</u></p>	<p>Name..... Signed</p> <p>Name..... Signed</p>
<p><u>Supervisor/ Manager</u></p>	<p>Name..... Signed</p> <p>Name..... Signed</p>

CUSTOMER INTERACTION EXAMPLE
 Gambling Act 2005 - Licence Conditions and Codes of Practice (SR Code 3.4.1 2019)

All licensees must interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling.
 This must include: **Identifying** customers that may be at risk of or experiencing harms associated with gambling.
Interacting with customers who may be at risk of experiencing harms associated with gambling.
Evaluating the impact of the interaction on the customer, and the effectiveness of the Licensee's actions and approach.

Interaction	Date: 17/01/21 Time: 13 : 10 hrs				
Name/ Nickname/ Description/Other identifier *May affix photo	Brenda. White female 40-50 yrs. Dark hair. Known to staff. photo refused.				
Previous interactions	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	Record No:	3	/19
Observation & indicators	Staff Observation <input checked="" type="checkbox"/> Customer Led <input type="checkbox"/> Comments: Brenda has been coming into the arcade for about 6 years. Previous interaction was recorded and there was a discussion about how much time she was spending playing. Brenda was in the arcade for 3 hrs today. I spoke to her as she seemed a little upset whilst playing and not her normal self. She stated that she was spending too much time and money playing machines.				
Action	Comments: Brenda had a break from playing. She was given a help leaflet and we discussed self-exclusion. She did not wish to self-exclude as she enjoyed the social play with her friends. Brenda agreed that she would reduce the number of visits to the arcade and play the lower Cat C machines and spend less time on B3s. No formal limited exposure agreement recorded, and she has been provided with info on problem gambling. I have made staff aware of the issue recorded today.				

- | | |
|---|--|
| <ul style="list-style-type: none"> • Take a break • Limit time • Limit spend • Change machine category • Monitor • Behaviour/gambling • Self-exclude | <ul style="list-style-type: none"> • Signpost to GamCare • Issue stay in control leaflet • Issue play diary • Gamble management app • Time Out • No action taken |
|---|--|

<p>Review Period</p>	<p>4 weeks <input checked="" type="checkbox"/> 8 weeks <input type="checkbox"/> 12 weeks <input type="checkbox"/> None <input type="checkbox"/></p> <p>Review date 14 / 2 / 21</p>
<p>Person Completing</p>	<p>John Smith</p> <p>Name..... Signed..... Date 17 / 1 / 21</p>
<p>1st Review</p> <p>Discussion should outline action and activity since previous interaction.</p> <p>Any management tools used?</p> <p>Any positive change in behaviour?</p> <p>Has pattern of gambling changed?</p> <p>Review Period</p>	<p>Date 23/2/21</p> <p>Comments: Spoke to Brenda who has been visiting the arcade periodically since 17/1. She continues to enjoy playing and states that she is playing within her means. She continues to play both Cat C and Cat B3 machines but spends less time playing on her visits since our intervention. Brenda states that she does not chase her losses anymore and seems happier to walk away after a reasonable win. No further action required.</p> <p>4 weeks <input type="checkbox"/> 8 weeks <input type="checkbox"/> 12 weeks <input type="checkbox"/> None <input checked="" type="checkbox"/></p> <p>Review date / /</p>
<p>Person completing 1st review</p> <p>Supervisor/ Manager *</p>	<p>Name..... John Smith Signed..... Date: 23/2 / 21</p> <p>Name..... James Brown Signed..... Date: 28/2/21</p>

<p><u>Further Review:</u></p>	<p>Comments:</p>
<p>Review Period</p>	<p>4 weeks <input type="checkbox"/> 8 weeks <input type="checkbox"/> 12 weeks <input type="checkbox"/> None <input type="checkbox"/></p> <p>Review date / /</p>
<p><u>Person completing review</u></p>	<p>Name..... Signed</p> <p>Name..... Signed</p>
<p><u>Supervisor/ Manager</u> *</p>	<p>Name..... Signed</p> <p>Name..... Signed</p>

Company:

Site Address:

Site Ref:

Serial No. /

GAMBLING ACT 2005
Licence Conditions and Codes of Practice

INCIDENTS REQUIRING POLICE ASSISTANCE

- To be used for recording gambling related incidents that require police attendance to the premises.

Ref	Date	Time	Nature of Incident	Time Police Called	Time Police Arrived	Outcome	Duty Manager
1							
2							
3							
4							
5							
6							
7							
8							

TO BE RETAINED ON THE PREMISES: To be used when police are called to the premises to assist the licensee whether they attend or not.

Company:

Site Address:

Site Ref:

Serial No. /

GAMBLING ACT 2005
Licence Conditions and Codes of Practice

SELF-EXCLUSION LOG FOR RECORDING DETAIL IF NO IMMEDIATE ACCESS TO THE BACTA WEB-BASED SCHEME

Ref	Name	Start Date	Attempts to Enter Date(s)	Attempts to Gamble Date(s)	Preventative Measures Deployed	End Date	'Cooling off' (Y/N)	Resumed Gambling Y/N
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								

- TO BE RETAINED ON THE PREMISES: To be used in conjunction with the Company's policy and procedure concerning 'Self-Exclusion'.

Company:

Site Address:

Site Ref:

Serial No.

GAMBLING ACT 2005
Licence Conditions and Codes of Practice

SUMMARY OF STAFF TRAINING

Management and Staff, as appropriate, declare that they have read and understood the following documents, are fully aware of Company policy and procedures and their own respective requirements in relation to them:

- 1. Access to Gambling by Children and Young Persons
- 2. Access to Premises by the Gambling Commission's Enforcement Officers
- 3. Advertising Standards and Marketing
- 4. Customer Interaction
- 5. Employment of Children and Young Persons
- 6. Fair and Open Practice and Dispute Resolution
- 7. Information on how to Gamble Responsibly and Help for Gamblers with problems
- 8. Money laundering, Cash handling & Suspicious Transactions
- 9. Self-Exclusion

Interval not to exceed 7 days

Tick against relevant Policies

Name	Position	Joining Date	Training Date	Signature	Leave Date	1	2	3	4	5	6	7	8	9

TO BE RETAINED ON THE PREMISES

Access to Gambling CAT D cash pay-out fruit machines by under 18's in an FEC

- The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice and monitoring of policies and procedures are regularly reviewed and subject to change as part of our ongoing assessment of risk.
- As a member of bacta we voluntarily restrict access to cash pay-out Category D fruit machines to people aged 18 years of age or older.
- Any visitor entering our FEC, where a member of staff believes their age to be under 18 years of age and playing a CAT D cash pay-out fruit machine, must be challenged, and asked to provide identification as verification of their age.
- Policy and Procedures
 - ✓ Clear and prominent signage is placed within the areas of an FEC where CAT D cash pay-out machines are located and, on each machine individually if spread across the FEC floor, stating that persons under the age of 18 years must stop playing.
 - ✓ All cash Cat D cash pay-out fruit machines to display the designated warning sticker, these, along with signage can be obtained from bacta.
 - ✓ As this is a policy adopted by bacta members and not a legislative requirement, any person found playing a CAT D cash pay-out fruit machine who appears to be under 18 years of age should be allowed to play off any credits and retain any winnings.
 - ✓ Any customer thought to be under 18 years of age playing a Cat D cash pay-out fruit machine is to be instructed to stop playing and invited to play any other machines within the FEC.
 - ✓ Staff are not required to remove these customers from the premises.
 - ✓ Where there is a doubt about a person's age, and they are unable to provide ID a common-sense approach should be taken. They are not permitted to play a CAT D cash pay-out fruit machine until such a time they can prove they are over 18 years of age.
 - ✓ The young person should be given a Citizen Card application form and an explanation on how to apply for an 18+ card.
 - ✓ All challenges must be recorded on the FEC Age Verification Log.
 - Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy and accompanying log.
 - To be used for recording staff training carried out by the Company.

Company:

Site Address:

GAMBLING ACT 2005
Licence Conditions and Codes of Practice

FEC AGE VERIFICATION LOG

Note: This log is to be used in an FEC where a member of staff has challenged a person, they believe to be under 18 years of age who is playing a Cat D cash pay-out fruit machine.

Date	Time	Checked while playing Cat D	Identity or Description	Action, outcome & preventative measures adopted	Member of Staff requesting Identification	Duty Manager Informed (signature)

TO BE RETAINED ON THE PREMISES: To be used in conjunction with the Company's policy and procedure concerning 'Access to Gambling by Children & Young Persons'.

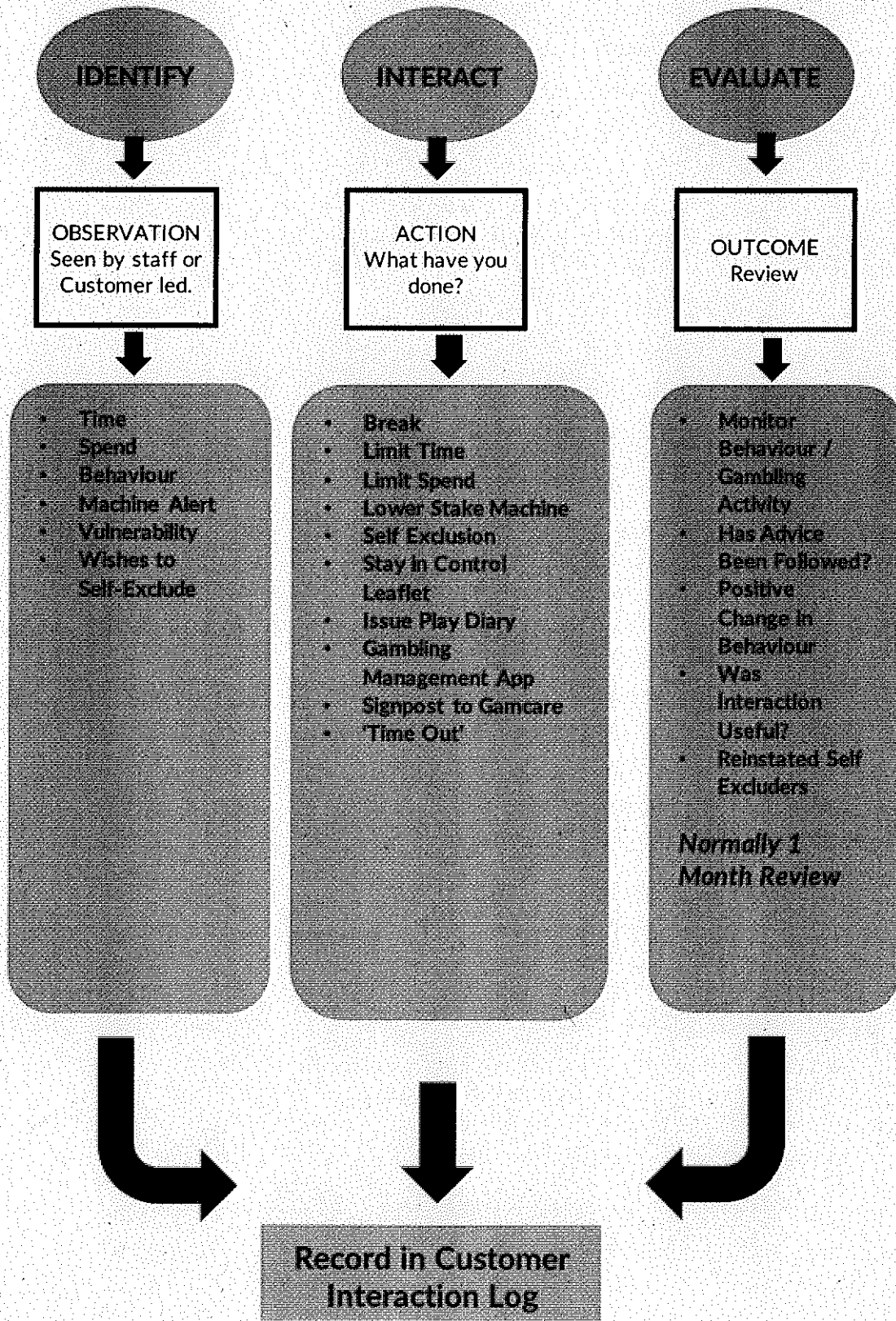
AGE VERIFICATION TESTING METHODOLOGY

-
- Testers
 - Testers should be 18 or 19 years old and look younger than their years. They will have provided proof of identity which will be verified by Check Policy. They will undertake appropriate training to fully understand the test procedure, awareness of categories of machines and site safety when conducting tests.
- Test Procedure
 - The test will be conducted in accordance with the Primary Authority protocol. The test will be conducted realistically and appropriate to behaviour that could be reasonably expected from any member of the public entering and seeking to gamble on licensed premises, but also with a view to simulating the behaviour that could be reasonably expected from a young person (under 18 years of age) attempting to gain access to an age-restricted premises. There will be no overt interaction between the tester and members of staff such as asking to exchange notes for coins, neither will they attempt to hide themselves from view. Testers do not carry means of identification (proof of age) on their person. Testers will, wherever possible, play on a category D or category C machine rather than higher stake gambling products, namely category B3.
 - Testers will be wearing a face covering, to comply with Covid 19 regulations, which they will remove on request for the purpose of identification.
 - **Stage 1.** The Tester will enter the premises
 - **Stage 2.** The Tester will browse for at least 1 minute to identify a machine that offers a prize of £25 or more to ensure that they are in an age restricted area. The selected machine should be, preferably, away from other customers.
 - **Stage 3.** If not already challenged for ID, the tester will play the machine for a further 5 minutes, adding credit as required to continue the test, but no more than £5 used to play the machine, the selected machine should be, preferably, away from other customers.
 - **Stage 4.** If not challenged for ID, the tester will exit the premises and complete the test data.
 - Summary of stages at which ID is checked

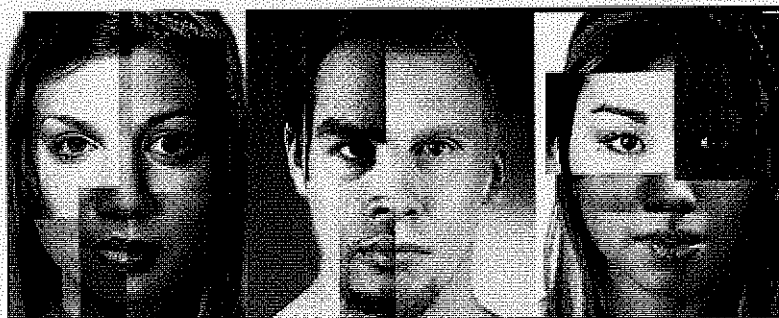
• Stage 1 – Upon entering the premises or close to the threshold -	PASS
• Stage 2 – Browsing the premises but NOT inserting stake money -	PASS
• Stage 3 – Inserting money into the machine and playing -	FAIL
• Stage 4 – After 5 minutes / leaving / exiting the premises -	FAIL
 - No Challenge is a FAIL
 - Further Test Adherence
 1. If ID is challenged the tester should respond they do not carry ID on them
 2. If asked for their age, the Tester should respond accordingly and give their true age
 3. Testers will leave the premises should they be asked to do so.
 4. If the Test AGC is located within a Family Entertainment Centre (FEC), the test will commence when the Tester enters the AGC.
 5. Upon exiting the premises, the Tester will complete the test
 - Testing Schedule
 - Clients will not be informed of a test date or a scheduled test event.

CUSTOMER INTERACTION PROCESS

- From 31st October 2019 LCCP requires staff to interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling. Licensees and staff must take into account GC guidance in this area. This must include 3 key outcomes:

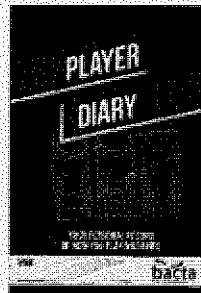
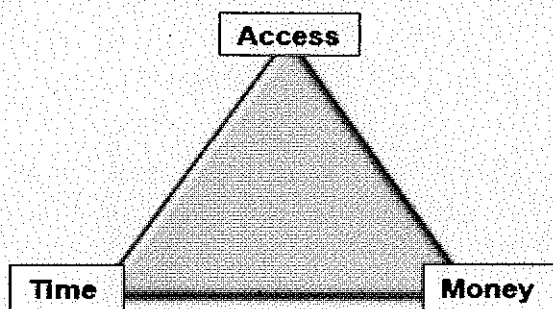


- What is a good customer interaction?
- **SEE** what is happening
- **LISTEN** to your customers
- Where appropriate **DO** something about it
- **RECORD** what you have done
- **REVIEW** what has happened
- Is there a **POSITIVE OUTCOME** & did it work?
- Who are our problem gamblers?
- Problem gambling can affect anyone.
- Any age, gender, or ethnic background.
- Violence, alcohol and drug abuse, isolation, and mental health.



- How to intervene?
- Consider your staff training.
- Have a plan in your mind. How would you start? What would you say? How will you end the conversation?
- Customers can make their own decisions. You are able to help.
- Problem gamblers appreciate early interventions.
- Do not miss 'THE INVITATION'. Sometimes problem gamblers just want a little bit of help at the right time. Do not miss the opportunity.
- You will normally do 'THE RIGHT THING'.
- Record Keeping
- Paper or electronic logs can be used to record customer interaction entries.
- Bacta Portal is available to record customer Interaction and self-exclusion records. The Portal provides a training manual with further Information.
- Record where an interaction has been considered and ruled out.
- Record an interaction which takes place at a later date.
- Encourage the customer to provide their name and as much information as possible so you can give them help and support. Nicknames/ identifiers help to identify repeat entries. Bacta Portal also allows you the facility to upload an image of all customers you interact with.
- Check records for previous customer interactions.

- Vulnerability
- Is a customer experiencing any mental health issues or learning difficulties?
- Have they got poor physical health through addiction?
- Does a customer show any signs or indications they may be living with dementia? Consider dementia training for your staff. Persons with some forms of dementia have increased gambling compulsions.
- None of the above is always apparent, it may just be that they enter your arcade with a carer. A professional carer will have completed a risk assessment for their client to play and gamble in an arcade.
- Persons who are vulnerable can still enjoy gambling in an arcade.
- Consider if recording the interaction is appropriate with regard to vulnerable persons.
- Limited Exposure
- Gambling management apps such as Gamblewise & Playright can assist customers by providing "time out" options.
- Paper versions are available which assist customers to reduce time and spend in an arcade.
- The issue of a play diary will help a customer to track and control gambling activities.



- Time Out & Barring
- On occasions you will observe customers who are high staking or gamble higher than the average amount. These customers do not normally exhibit any obvious indicators of harm and are not spending a significant amount of their discretionary income.
- You may wish to complete a customer interaction entry for any of these individuals as an assessment of their play without any indication of gambling harms. This will form part of your 'Know the Customer' process.
- Signposting & support
- Your staff training, leaflets and posters will help you to explain the role of any support service such as a GamCare provider.
- There will be increased empathy if you are able to explain the process of initial contact and support provided by any support agency.
- Providing contact details for your local GamCare provider will help in this process.
- The customer may wish to complete the 'GamCare Self- Assessment Tool' to assist in their decision making during any interaction conversation.

- Self-exclusion
 - Self-exclusion is a last resort.
 - If a customer wishes to self-exclude a meaningful customer interaction conversation will take place.
 - Having considered the options and various gambling management tools self-exclusion may no longer be the right option for the customer.
 - If self-exclusion is the right option, then self-exclude.
 - Always complete customer interaction entry for a self-exclusion.
 - Self-excluders who have returned to gambling should be observed and monitored in the short term for any indicators of risk of harm. It is suggested that all returning self-excluders will be subject of a one-month review.
 - What is the role of the Manager?
 - Each company will have its own staff training and policy in relation to customer interactions.
 - In some cases, staff will observe and note activity and report to a manager who will then complete the action and review process.
 - Managers should note records, provide guidance, and give some direction particularly around the requirement and completion of any review and evaluation process.
 - What is the role of the Company or Licence holder?
 - Assess customer interactions to evaluate the effectiveness of your overall approach.
 - Understand what works well and is effective for your customers.
 - The following indicators may be used:
 - Customer retention.
 - Reduction in complaints.
 - Increased staff awareness.
 - Number of interactions recorded & quality of the records.
 - LCCP Guidance for Customer Interaction
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 interaction.
 - Useful Links
 - Customer interaction LCCP:
 - LCCP Condition - Gambling Commission
 - Customer interaction advice from the Gambling Commission:
 - Formal guidance under SR Code 3.4.1: Customer interaction: formal guidance for premises-based operators - Gambling Commission

GAMBLING ACT 2005: Licence Conditions and Codes of Practice

Customer Complaints – terms and conditions

- Policy & Procedure
- These are the Company's Terms and Conditions by which customer complaints are dealt with. Also included is the Company's policy and procedure document and complaint form. Copies of the complaint procedure and form are available on site for the benefit of customers making a complaint about the outcome of their gambling where the complaint has not been resolved on-site in the initial stages.
- A 'complaint' means a grievance about any aspect of the licensee's conduct of the licensed gambling activities, and should be raised with the company as follows:
 - The complaint should initially be raised with an available member of staff at the venue at the time of the incident giving cause for complaint. **Stage 1**
 - If the member of staff approached is unable to deal with the complaint or the matter is not resolved to the customer's satisfaction, then it should be directed to the duty manager at the venue at the earliest opportunity. **Stage 2**
 - Should the matter still not be resolved, the customer will be provided with a copy of the policy & procedure document, together with a complaint form that should be completed by the customer and submitted to the Company for consideration by a director or appointed senior manager. **Stage 3**
 - If the matter remains unresolved, the customer should be referred to an alternative dispute resolution (ADR) entity with whom the Company has registered. The complaint will not be considered by the ADR entity unless:
 - the matter relates to the outcome of the complainant's gambling transaction; and
 - it is not resolved during the three-stage complaint procedure as outlined above.
 - It is permissible for an ADR entity to have terms enabling it to reject complaints referred for dispute resolution if the complaint is frivolous or vexatious, but the Company will not refuse to refer disputes on those grounds.
 - The Company will ensure that:
 1. information about the complaint procedure is set out in these terms and conditions;
 2. such information is readily accessible on our gambling premises to be taken away;
 3. information includes details of how to make a complaint to the Company and the identity and contact details of the person deputed to handle the complaint;
 4. the information names the ADR entity to whom disputes can normally be referred and, where necessary, details of any limitation on the nature and subject matter of disputes with which a particular ADR entity deals.
 5. customers are given a copy of the complaint policy and procedure document on request or on making a complaint; and
 6. all complaints are handled in accordance with the procedure.
 - Should the Company refer a complaint to ADR entity other than one in respect of which contact details were given in accordance with 1 to 6 above it will, at the same time as making the reference, inform the Commission of the reference and reason for selection of the ADR entity concerned.
 - The Company keeps a record of all complaints that are not resolved at the initial three-stage complaint procedure.

- The Company arranges for a copy of the decision on, or a note of the outcome of, each dispute referred to an ADR entity to be provided to the Commission, either by the ADR entity or by the Company. This information is provided in such format and within such timescale as the Commission may from time to time specify.
- The Company also arranges for any outcome adverse to the Company of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction to be notified to the Commission as a key event; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.
- **Under no circumstances are members of staff put in physical danger nor will they be subjected to abuse.** If a customer is threatening, then that person will be offered the complaint policy & procedure document together with a complaint form and be referred to the Company's strict policy of 'No Abuse'. If the customer continues to be threatening the circumstances will be treated in accordance with a disturbance on the premises, and the person will be asked to leave, and the police contacted to assist if necessary.
- Which complaints are covered?
- A complaint, in the context of the LCCP, means a complaint solely about the conduct of the Company's activities. A dispute means a complaint which has not been resolved by the operator's complaints procedure to the satisfaction of both parties and relates to the outcome of a gambling transaction.
- Responsibility of the Employer.
- The Company has a written procedure in place to:
 - advise employees of the name of the appointed person who is to be contacted about complaints;
 - ensure that all complaints are handled in accordance with the procedure throughout the investigative process;
 - have arrangements in place for reference by a customer of a dispute to an alternative dispute resolution service for disputes (an 'ADR entity'); and
 - maintain a record of all complaints, and those that evolve into disputes. All instances where the complaint is referred to an ADR entity will also be recorded together with the outcome.
- Responsibility of the Employee
- Members of staff not authorised to deal with complaints, or where the customer is not satisfied with the initial outcome, will ensure that:
 - the complainant is informed of the name of the appointed Company representative who will deal with the complaint, together with the appropriate contact details of that person;
 - the complainant is issued with the Company's complaint policy & procedure document and complaint form;
 - the circumstances are recorded as contemporaneous notes as soon as possible following the incident and the notes are signed, dated, and timed by the member of staff dealing. The notes are to be comprehensive and a true record of events, and
 - members of staff, unless properly authorised by the Company, are not allowed to voice their own opinion as to the merits or otherwise of a complaint. Procedure is strictly adhered to.
-

Complaint Procedure

- The Company 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 at our premises, then please inform us as we take such reports seriously. The Company will review your complaint and will be dealt with by:

- (name)..... who is (job title)
.....
- At
(address).....
.....
.....
- Email Address:
.....

- 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 including details of independent witnesses and any other relevant information in order to assist the Company in the investigative process.
- Complaints should be raised within 6 months of the incident.
- What happens next?
- The Company will acknowledge receipt of your complaint within 3 days.
- The company will investigate and provide a full explanation of what we have done within 8 weeks of receiving a complaint. If this is not possible, we will explain why and give a date by which a full response can be expected. 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 the ADR entity this company is registered with requesting that the matter be reviewed and submitting all previous correspondence relating to your complaint, including the 'deadlock' letter referred to above.
- The ADR entity will acknowledge receipt of your correspondence without undue delay and, after 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.
- This Company is registered with the following ADR entity:
- Name of ADR Entity: Pegasus ADR Service

- Email Address: enqs@pegasusadrservice.org.uk
- Website: <http://pegasusadrservice.org.uk>
- Postal Address: 29-30 Ely Place, London EC1N 6TD
- It is highly recommended that you visit the ADR entity's website (as above) so that you are fully aware of the procedural rules and other related information.

Complaint Form - CUSTOMER

-
- Name:
.....
.....
- Address:
.....
.....
-
- Postcode
.....
-
- Daytime Telephone No.:
.....
-
- E-mail address:
.....
-
- Signature: Date:
.....
-
- Is this an initial complaint or a follow up to a previous incident?
.....
.....
-
-
-
-
-
-
- VENUE WHERE COMPLAINT OCCURRED
-
- Reference (if known):
.....
-
- Company:
.....
-

- Name of Premises:
.....
-
- Address:
.....
.....
.....
-
- Name(s) of staff member(s) that you initially raised your complaint with:
.....
.....
-
- Date of Incident:
.....
-
- Time of Incident:
.....
-
- Names & Addresses or contact telephone numbers of any independent witnesses:
.....
.....
.....
.....
.....
-
- Name and Category of Gambling Machine subject of complaint:
.....
.....
-
- A clear and comprehensive account of the complaint and what you are seeking as redress to resolve the matter:
.....
.....
-

- For Office Use Only
- Appointed Manager dealing: Mobile Number).....
-
- Complaint Acknowledged (Y/N): (date)
-
- Details of action to resolve taken by Company:
-
-
-
-
-
-
-
-
-
- If complaint still unresolved by Company
-
- Complainant referred to ADR Entity (Y/N); Date
-
-
- Name of ADR Entity:
-
-
- Company Complaint Policy & Procedure Document given to Complainant (Y/N):
-
-
- Date.....

Record of Suspicious Monetary Transactions

TIME	LOCATION	CIRCUMSTANCES	REPORTED TO MLO	SAR SENT TO NCA	OUTCOME
Day: Date: Time:	Site: Address: Ref:	Notes: Photographs/CCTV Y/N Identity, if known, or description:	Day: Date: Time:	Day: Date: Time:	Notes:
Day: Date: Time:	Site: Address: Ref:	Notes: Photographs/CCTV Y/N Identity, if known, or description:	Day: Date: Time:	Day: Date: Time:	Notes:

Company:

Site Reference:

Serial No. /

GAMBLING ACT 2005
Licence conditions and Codes of Practice

COMPLIANCE EVALUATION

- Section 1 - Observation
 - Please circle either 'Y' (yes) or 'N' (no) as appropriate
 -
1. Are age restriction signs displayed prominently at the entrances to Adult Gaming Centres, (AGCs) clearly stating that it is illegal for persons under the age of 18 years to enter the premises or, equally prominent with the same clear message, at the entrances to adult gaming areas within a Licensed Family Entertainment Centre (Lic. FECs)? Y N
 2. Are entrances to AGCs and/or adult gaming areas appropriate so as not to attract children or young persons from entering? Y N
 3. Are the entrances to AGCs or adult gaming areas effectively monitored, controlled and supervised taking into account the structure and layout of the premises so as to ensure that age restriction is adhered to? Y N
 4. Are the barriers separating different licensed premises within the parameters one 'building' of a solid construction, including the unlicensed areas separating different licensed premises? Y N
 5. 'Stay in Control' posters prominently displayed, preferably framed, so as to be easily seen and read by all customers? Y N
 6. 'Stay in Control' leaflets available in a dedicated rack, preferably below 'Stay in Control' poster and discretely accessible to customers without the need to be asked for, and available for taking away? Y N
 7. Are approved 'Proof of Age' application forms readily available for distribution, or are alternative and suitable schemes adopted to assist with compliance of age restriction policy? Y N
 8. Do advertising, marketing and promotional notices comply with advertising standards? Y N
 9. Is the Premises Licence clearly displayed (summary is sufficient)?
 10. Is the Company registered for MGD? Y N
 11. Are machines correctly and clearly labelled according to category of machine? Y N
 12. Are 'No Alcohol' signs clearly displayed? Y N
 13. Are 'No Smoking' signs clearly displayed? Y N
 14. Is the operation fully compliant with gaming legislation and other regulatory requirements, e.g., only the correct category of gaming machines provided on site; stake and prize levels appropriate for the type of premises; correct number of machines? Y N
 15. Is the National Gambling Helpline telephone number on all categories of machines? Y N
 16. Are labels displayed on gaming machines (with the exception of Category 'D' machines located in Licensed FECs) stating that under 18s are prohibited from playing? Y N

Company:

Site Reference:

Serial No. /

GAMBLING ACT 2005
Licence conditions and Codes of Practice

COMPLIANCE EVALUATION

- Section 2 – Management
- Company:
- Site: Date:
- Time:
- Manager: Length of Service:

• Please circle either 'Y' (yes) or 'N' (no) as appropriate

•

1. Are you aware of, and understand, the three licensing objectives?
2. Are you aware of procedures on how to respond to 'authorised persons' who properly identify themselves on the premises. Y N
3. Are the following Licence Conditions and Codes of Practice written policy and procedure documents fully understood and available for inspection?
 - Principal Concepts Y N
 - Access to gambling by children and young persons Y N
 - Access to premises by the GC's Enforcement Officers Y N
 - Advertising standards and marketing Y N
 - Customer interaction Y N
 - Employment of children and young persons Y N
 - Fair and open practice and dispute resolution Y N
 - Information on how to gamble responsibly and help for those with problems Y N
 - Money laundering, cash handling and suspicious transactions Y N
 - Self-exclusion Y N
4. Are the following logs up-to-date and available for inspection?
 - Attempted child or young person entry Y N
 - Customer interaction Y N
 - Incidents requiring police assistance Y N
 - Self-exclusion Y N
 - Staff training summary Y N
5. Are the following systems in place to demonstrate staff training and awareness of Company policies and procedures?
 - Policy and procedure records. Training Log signed by staff Y N
 - Complaints and dispute resolution records Y N
 - Training attendance certificates Y N
6. Can the Company demonstrate robust risk assessment of age-verification and restriction by regularly conducting test purchases or other satisfactory and appropriate methods? Y N

- | | | |
|---|---|---|
| 7. Is age restriction policy strictly adhered to, and are members of staff effectively trained in its implementation? | Y | N |
| 8. Are members of staff aware that it may be construed to be an act of 'gross misconduct' should they knowingly allow persons under the age of 18 years to enter an Adult Gaming Centre or adult gaming area(s) within a Licensed FEC, and is this a clause included in their contract of employment? | Y | N |
| 9. Has a 'proof of age' scheme been adopted, and are approved application forms available? | Y | N |
| 10. Are customers not inappropriately encouraged to play on gaming machines? | Y | N |
| 11. Is there is a policy in place that precludes staff colluding with customers who ask them to lie on their behalf? | Y | N |
| 12. Is it company policy to allow customers to change coins back to notes? | Y | N |
| 13. Are relevant staff members trained to respond positively to customers who exhibit distress, say they have a problem with their gambling, or wish to be self-excluded? | Y | N |
| 14. Is it accepted that the initial minimum period for self-exclusion is not less 6 months, nor more than 12 months and are you aware of the requirement of implementing a 24-hour 'cooling off' period thereafter? | Y | N |
| 15. Are all members of staff who interface with customers familiar with the AGC sector self-exclusion web-based scheme and know what to do if a self-excluded person attempts to enter the gaming area or attempts to gamble before the period of the self-exclusion agreement expires? | Y | N |
| 16. Do stock control procedures ensure that 'Stay in Control' leaflets are always in the rack(s) and that a reserve supply is always available? | Y | N |
| 17. Are you aware of how to order new stocks of 'Stay in Control' leaflets and posters? | Y | N |
| 18. Are you aware of the requirements relating to advertising, marketing, and promotions? | Y | N |
| 19. Are copies of self-exclusion request forms retained on site and readily available for supply should the web-based system fail for any reason? | Y | N |
| 20. Are all members of staff aware of requirements concerning young Persons who may be employed by the Company? | Y | N |
| 21. Can you demonstrate that annual financial contributions (RET) are being paid to GambleAware or other appropriate care agencies? | Y | N |
| 22. Are you aware of the requirement to submit an annual regulatory Return to the Gambling Commission, and what information is required? | Y | N |
| 23. Are you aware of procedures necessary under money laundering regulations, and has the Company appointed a designated money laundering officer (MLO)? | Y | N |
| 24. Has the Company participated in a recognised social responsibility awareness course? | Y | N |
| 25. Are you aware that stakes must be returned to under-18s who have gambled in AGCs and adult areas and that they are not permitted to retain any monetary prize paid out? | Y | N |
| 26. With regard to customer complaints and disputes, do you have a written policy and complaint form available to be handed to a complainant, and have you registered with an approved ADR entity? | Y | N |
| 27. Are you aware of the importance of ensuring the ongoing process of staff training in respect of adhering to the requirements of the LCCP, and the need to train new members of staff if when they are recruited to the Company? | Y | N |
| 28. Are you aware of your obligations to inform the Gambling Commission should there be any 'key event' changes to your Operating Licence? | Y | N |
| 29. Has a Local Risk Assessment Document been written and is it available on site for Inspection if requested? | Y | N |
| 30. Has an Anti-Money Laundering Risk Assessment been written and is it available on site for the benefit of staff and inspection if requested? | Y | N |

-
-

- Comment:
-
- Please comment on all instances where 'N' is circled, giving a full explanation and what measures are to be adopted so as to comply with requirements.

GAMBLING ACT 2005
Licence conditions and Codes of Practice

COMPLIANCE EVALUATION

- Section 3 - Members of Staff

• Company: Site:

• Date: Time:

• Member of Staff: Length of Service:
.....

-
- Please circle either 'Y' (yes) or 'N' (no) as appropriate
-

1. Do you have a good understanding of the following Licensing Conditions and Codes of Practice written policies and procedures where they are relevant to your particular duties?

- Access to gambling by children and young persons Y N
- Access to premises by the GC's Enforcement Officers Y N
- Customer interaction Y N
- Employment of children and young persons Y N
- Fair and open practice and dispute resolution Y N
- Information on how to gamble responsibly Y N
- Money laundering Y N
- Self-exclusion Y N

2. Are you aware of and understand the content and maintenance of the following logs?

- Attempted child entry Y N
- Customer interaction Y N
- Incidents requiring police assistance Y N
- Self-exclusion Y N
- Staff training summary Y N

3. Do you understand the systems in place to demonstrate staff training and awareness of the following Company policies and procedures?

- Written policy and procedure records signed by staff Y N
- Staff training summary sheet Y N
- Complaints and dispute resolution records Y N

4. Is age restriction policy known to you and applied? Y N

5. What 'Proof of Age' scheme is in use and are you aware of where the application forms are located? Y N

6. Are you instructed that customers are not inappropriately encouraged to play on gaming machines? Y N

7. Are you aware that you must not collude with customers who ask you to lie on their behalf? Y N

8. Are you aware that it is an act of 'gross misconduct' if you knowingly allow a person under the age of 18 years to enter an Adult Gaming Centre or adult gaming area(s) within a FEC? Y N

9. Do your instructions permit that a customer may change coins back into notes? Y N

10. Are you aware of what your actions should be if you were to be approached by a customer who asks for help to deal with a gambling problem to do with themselves or with a relative or friend? Y N
11. Do you know which member of staff has been appointed by the Company to supervise 'customer interaction' and 'self-exclusion' issues? Y N
12. Are you aware of what behaviour might be characteristic in a person whose gambling is out of control, and what your actions should be if you observe a customer displaying such behaviour? Y N
13. Are you aware that the Company offers a web-based self-exclusion scheme for customers who are experiencing difficulties with their gambling; that the minimum period of self-exclusion is 6 months and that excluders can also be excluded from other company premises offering a similar style of gambling in the locality, and have you been shown and understand the guide to the self-exclusion scheme? Y N
14. Are you aware of the requirement of a 24-hour 'cooling off' period following a term of self-exclusion? Y N
15. Are you aware of what your actions must be should a self-excluded customer enter the gambling area or attempt to gamble during the course of their self-exclusion period? Y N
16. Are you aware that 'Stay in Control' leaflets should always be available in the racks, and where replacement stock is stored? Y N
17. Are you aware of where the self-exclusion request forms are kept in the event that the web-based scheme cannot be accessed? Y N
18. Do you know what your actions must be when a Gambling Commission enforcement officer or other authorized person enters the premises? Y N
19. Are you aware of the employment limitations with regard to children and young persons employed by the Company? Y N
20. Are you aware of procedures required under the money laundering regulations and who the Company appointed MLO is? Y N
21. Have you received LCCP training? Y N
22. Are you aware that stakes must be returned to under-18s who you have identified as having gambled in the AGC (or adult area) and that they are not permitted to retain any monetary prize? Y N
23. Are you aware of the company's policy in dealing with complaints and disputes and where written copies of this policy and complaint forms are kept? Y N
24. Do you know what the three Licensing Objectives are? Y N
25. Do you feel that you have received sufficient training in what is expected of you in respect of knowledge and implementation of gambling law requirements? Y N
26. Do you have copy of the staff training booklet provided by bacta and have you completed the training modules? Y N
27. Have you been shown and understand the local risk assessment and money laundering risk assessment documents? Y N

System Checklist

Premises signage

	Yes (tick)	No (tick)	N/A (tick)	Notes
No Under 18s				
No Alcohol				
No Smoking				
BACTA Membership				

Machine Signage

Under 18s				
GamCare				
Category Labels				
Legacy Labels				

Posters (P) & Leaflets (L)

Stay in Control (P)				
Stay in Control (L)				
Proof of Age Scheme				
Think 25 Material				

Licences

Premises Licence				
Operating Licence				
Personal Licence				
Link Licence				

Forms

Self-Exclusion				
Complaints & Dispute				

Policy & Procedure Documents

Access by C & YP				
Access by G C				
Advertising				
Employment of C & YP				
Customer Interaction				
Fair & Open				
Signposting Information				
Money Laundering				
Self-Exclusion				

Logs

	Yes (tick)	No (tick)	N/A tick)	Notes
Attempts to Gamble C & YP				
Customer Interaction				
Police Assistance				
Self-Exclusion				
Staff Training				

Entitlement

B3 Numbers				
Stakes & Prizes				

Misc.

Age Verification Tests				
Contribution to RET				
Notifying Key Events				
Regulatory Return				
Knowledge of MLO				
Advertising Practice				
Payment of MGD				
ADR Entity				
Licensing Objectives				
Attractive to Children				
Supervision				
Self-Exclusion Scheme				
Return to Player (%)				
Responsibility for 3 rd Parties				
Register of Machines				

Risk Assessment Documents

Local Risk				
Money Laundering				
Guide to bacta SE Scheme				

Registrations

ADR Entity				
Self-Exclusion Scheme				
Age Verification Testing				
Primary Authority				

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Guidance on Undertaking Local Gambling Risk Assessments

Gambling Act 2005

Contents

1. Executive Summary	67
2. Introduction	68
3. Background	69
4. Risk assessment triggers	70
4.2 New premises	70
4.3 Significant changes in local circumstances	70
4.6 Significant changes to the premises	71
4.9 Variation of the premises licence	71
4.11 Regular review of risk assessments	72
5. Local risk and control measures	72
5.4 Local area risks	72
5.5 Gambling operational risks	72
5.8 Premises design risks	73
5.10 Interior design risks	73
5.12 Exterior design risks	73
5.13 Control measures	73
6. Undertaking a local risk assessment	74
6.3 Who should undertake the assessment	74
6.4 Step 1: The local area	74
6.7 Step 2: The gambling operation	75
6.8 Step 3: The design of the premises	75
6.9 Step 4: Control measures	75
6.10 Completed assessment	76
7. Appendix A	76
Evaluating Risk Assessment Chart and Useful Links	76

1. Executive Summary

- 1.1 As of 6 April 2016, all AGC and FEC licenced operators must identify risks to the Licensing Objectives posed by the provision of the gambling facilities they offer in a specific locality and compile a report document outlining any potential risks and the measures put in place to mitigate them.
- 1.2 Thereafter, operators must review their risk assessments if significant changes in local circumstances occur and ensure that members of staff are trained at appropriate intervals of time to reflect such changes.
- 1.3 A separate report will have to be prepared for each and every licensed venue and should reflect classified areas of heightened risk identified by licensing authorities within their Statement of Licensing Principles in addition to those risks that may have been identified by, or brought to the attention of, the licensee.
- 1.4 Licensees are required to share their risk assessments with licensing authorities when applying for a new premises licence, when applying for a variation to an existing licensed premises, **or otherwise on request.**
- 1.5 Risk assessment reports should identify potential risks associated with company operating systems, the exterior design of the premises, interior layout of the premises and outside influences so as to minimise possible breaches the Licensing Objectives.
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6 The Licence Conditions and Codes of Practice (LCCP) sets out the requirements by which the Licensing Objectives are protected. Local risk assessment seeks to identify whether there are additional risks specific to the geographical locality in which the premises is located that need to be highlighted and taken into consideration.

[Link to the Gambling Commission's LCCP on Risk Assessments](#)

Local area risk assessments (gamblingcommission.gov.uk)

- 1.7 Due to the challenges of providing generic guidance when the intention of local risk assessment is specifically aimed at individual site locations, it should be borne in mind that this document seeks to cover many contingencies so as to benefit a wide range of companies and their differing requirements. Therefore it is stressed that operators should tailor this guidance and the supporting example (template) report so as to be relevant to their individual and specific circumstances. Similarly Appendix 'A' (Evaluating Risk) is purely suggested as a means of assessing a level of risk, and Companies may deem other matrixes to be more appropriate for their specific needs.
- 1.8 A template, appended to this document, giving examples of identified risks and the measures that have been put in place to mitigate harm to the Licensing Objectives should be considered in a similar light.
- 1.9 The writing of this document has taken into account the views expressed by the Gambling Commission and Local Authority Licensing sources.

2. Introduction

- 2.1 The Gambling Commission (the Commission) has introduced new provisions in its social responsibility codes (10.1.1 & 10.1.2) within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess local risks to the Licensing Objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- 2.2 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities and the Commission to work in partnership with the industry to address local issues and concerns. Bacta's expectation is that a risk-based approach to regulation by licensed operators will free up local authorities to prioritise their resources where they are most needed and can be most effective.
- 2.3 A risk based approach provides a better understanding, and enables a proportionate response, benefiting the well-being of both the licenced company and its customers. Such an approach should include looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened; risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of any impact on the Licensing Objectives.
- 2.4 Bacta, having due regard to input received from local authority sources and the Commission, has developed this guidance to assist its membership in undertaking and preparing their local (premises) risk assessments. This guidance document seeks to provide a framework for the local risk assessment process that is aimed to promote, as far as it is possible, a uniform approach across the Adult Gaming Centre (AGC), Family Entertainment Centre (FEC) and Bingo sectors. This will benefit licensing authorities under the Gambling Act 2005 when applications are forthcoming for new premises licences and variations to existing premises and enable local authorities to move to a more proportionate compliance inspection regime.
- 2.5 Licenced gambling operators will be required to undertake a risk assessment for all of their existing premises by 6 April 2016. Following that date, operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with local authority expectation on what would instigate either a new assessment or the review of an existing one are detailed within this guidance document.
- 2.6 The local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the Licensing Objectives under the Act. They are specific to the premises, the local area and the local community.

3. Background

- 3.1 Councils are licensing authorities under the Act. A licensing authority is responsible for considering and determining applications for premises licences which offer gambling facilities within their respective jurisdictions. Licensing authorities also have a role in gambling regulation by ensuring compliance with the Act.
- 3.2 The Act contains three Licensing Objectives which guide the way that gambling operators conduct their activities and how licenced authorities perform their functions. They 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.**
- 3.3 The Act places a legal duty on licensing authorities to aim to permit gambling in so far as they consider it reasonably consistent with the Licensing Objectives. The effect of this duty is that licensing authorities must approach their functions in a way that seeks to regulate gambling by using vested powers where appropriate rather than by setting out to prevent gambling altogether.
- 3.4 Licensing authorities set out how they intend to carry out their functions under the Act in Statements of Licensing Principles, also known as Licensing Policies. These statements are kept under review and updated every three years (as a minimum).
- 3.5 The Gambling Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences, operators must ensure that they comply with and meet the requirements of the Licence Conditions and Codes of Practice (LCCP).
- 3.6 In February 2015, following consultation period with relevant stakeholders the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess possible local risks to the Licensing Objectives posed by each of their 'land-based' gambling venues. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The provisions of the codes are:

Social Responsibility Code Provision 10.1.1.

Assessing Local Risk

All non-remote casino, Adult Gaming Centre, Bingo, Family Entertainment Centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

This provision comes into force on 6 April 2016

- 1 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

2 Licensees must review (and update as necessary) their local risk assessments.

- To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy.
- When there are significant changes at a licensee's premises that may affect the mitigation of local risks.
- When applying for a variation of a premises licence.
- In any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, Adult Gaming Centre, Bingo, Family Entertainment Centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

This provision comes into force on 6 April 2016

- 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.

4. Risk assessment triggers

- 4.1 The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. This section relates to what these triggers may be and when operators should provide a copy of their assessments to a licensing authority.

New premises

- 4.2 If an operator intends to apply for a new premises licence under Part 8 of the Act, then a local risk assessment must be carried out. The assessment should be based on how the premises are proposed to operate at the venue location and must take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the licensing authority.

Significant changes in local circumstances

- 4.3 Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.
- 4.4 The following lists sets out some examples of what the Licensing Authority may consider being significant changes in local circumstances.
 - The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.

- An increase of educational facilities in the local area. This may occur as a result of the construction of a new school/college, or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or licensing authority.
- Venues relating to the care of vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or when gambling or mental health care/support facilities are opened in the local area).

4.5 The list above is not an exhaustive list of significant changes in local circumstances. Licensing authorities may provide information to gambling operators when it feels a significant change has occurred in the local area and set out what that change is and any specific concerns they may have that should be considered by operators. However, operators themselves must also consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

Significant changes to the premises

4.6 From time to time operators will undertake refurbishment of a premises layout and décor which, in itself, is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the Licensing Objectives.

4.7 The following list sets out some examples of what local authorities may consider being significant changes to premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with procedures and policies which are different to those of the previous licensee.
- New gambling facilities are made available on the premises which were not provided previously.

4.8 Licensing authorities will probably not, as a general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

Variation of the premises licence

4.9 Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address.

4.10 When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to a licensing authority will, in all probability, be asked to provide a copy of the reviewed local risk assessment when submitting the application.

Regular review of risk assessment

- 4.11 As a matter of best practice operators should consider establishing a regular review regime in respect of their local risk assessments.

5. Local risks and control measures

- 5.1 There are two specific parts to the risk assessment process; the assessment of the local risks and the determination of appropriate mitigation to reduce those risks.
- 5.2 The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the Licensing Objectives. Gambling operators will be expected to identify and list all of the local risks within the assessment. The level of such risks can range from being low to very high depending on the potential impact they can have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures necessary to mitigate such risk.
- 5.3 Operators will be familiar with identifying risks in relation to health and safety and food hygiene legislation. The local risk assessment process - although similar- requires a broader range of considerations. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.

Local area risks

- 5.4 There is a number of factors relating to the local area that operators will need to consider which is independent of who the operator believes is their target market. A few examples of these factors are listed below.
- Categories of neighbouring premises and how they are operated in the locale.
 - The footfall in the local area, for example, does it predominately comprise residents, workers or visitors; is it a family orientated area, popular with children and young people?
 - Educational facilities.
 - Residential accommodation for the vulnerable.
 - Hospitals, mental health or gambling care providers.

Gambling operational risks

- 5.5 The gambling operation relates to how the premises will be run and the business model. It will include the operator's policies and procedures, which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP. It will also include other elements such as:
- The type of gambling products it provides in the premises.
 - Marketing material within the premises.
 - Security and crime prevention arrangements.
 - The provision of information to customers.

- 5.6 It is likely that the identification of risks associated with this element of the assessment will be very similar across the sector with slight variations depending on any specific factors that relate to the premises or the local area.
- 5.7 The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

- 5.8 The design of the premises is an important factor when considering local risks. For example, age controlled premises which are located within an area which has a high number of children and young people present throughout the day will want to ensure that children and young people are not attracted in to any adult only premises.
- 5.9 As part of the design process, the layout of the premises is a major consideration to ensure effective monitoring of age restricted premises and areas and the prevention of crime on the premises.

Interior design risks

- 5.10 The internal design and layout of the premises reflects the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence.
- 5.11 Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18 (think 25), or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

Exterior design risks

5.12 The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on any possible associated risks. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

Control measures

- 5.13 Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems will be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures will include staff training, security policies and procedures.
- 5.14 Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the

exterior design of premises. For example, a control measure for the interior of the premises could involve positioning a cashier counter from the rear of the premises to the front next to the main entrance or realignment of CCTV cameras/mirrors where entrance(s) can be effectively monitored for age verification, the detection of crime and customer interaction purposes.

- 5.15 The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include intruder alarms, exterior CCTV cameras, reinforcement of doors, time locks on safes, window shutters.
- 5.16 As already indicated, the control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

Systems: PASS card or age verification policies, challenge 21 scheme, and staff training.

Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff to monitor those entering the premises and when appropriate, challenge them on the grounds of age.

Physical: CCTV and electronic sensors.

6. Undertaking a local risk assessment

- 6.1 A local risk assessment of gambling premises should be carried out through a step-by-step approach. One suggested approach is to first assess the local area and identify the relevant risk factors, then to assess the gambling operation and finally to assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.
- 6.2 To assist, bacta has designed a suggested local risk assessment template that guides and encompasses a step-by-step approach to the assessment (See Appendix A). The template also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions and to record when those actions were completed.

Who should undertake to write the risk assessment?

- 6.3 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could be seen to constitute a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. In addition websites are available to assist in the process.

Step 1: The local area

- 6.4 Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

- 6.5 To assist in assessing the local area the licensing authorities may produce a Local Area Profile within its Statement of Licensing Principles. The Local Area Profile sets out the demographic profile of areas of the City and the specific concerns and risks that the Licensing Authority has identified in relation to gambling in those areas.
- 6.6 The first step is to identify the local risk factors associated with the local area in which the premises are located. Local risk factors are risks that affect one or more of the Licensing Objectives. Licensing authority Statements of Principles will identify some of these risk factors which are considered to be of significance within the curtilage of their responsibility.

Step 2: The gambling operation

- 6.7 In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk. The assessor may wish to consider:
- How the gambling operation will relate to how the operator conducts the business.
 - What gambling products it provides on the premises.
 - The staffing levels within the premises.
 - The level and requirement for staff training.
 - The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP.
 - The security and crime prevention arrangements it has in place.
 - How it advertises locally and on the premises.
 - The marketing material within the premises.

Step 3: The design of the premises

- 6.8 The design and layout of the premises is a key consideration as this could have an impact on the risk to the licensing objectives. The design, both internal and external should be considered and specific risk factors identified and noted. For example:
- The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
 - The positioning of CCTV is such that effective coverage ensures identification of those carrying out machine related crime, self-excluded persons and to assist with age verification.

Step 4: Control measures

- 6.9 Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Completed assessment

- 6.10 The control measures must be implemented on the premises and if applicable, staff on the premises should be trained in their use or trained on any new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime (see part 3 above).
- 6.11 Licensing authorities may assess the risks identified and the measures implemented to mitigate those risks. When a completed assessment is provided with a new application or with a variation application, the authority will consider the assessment in the course of determining whether to grant the application or not.

7. Appendix 'A'

Evaluating Risk

Likelihood

How likely is it that the local circumstances may result in harm?

- Highly Unlikely
- Unlikely
- Possible
- Probable
- Certain

Severity

If exposure to risk does result in harm, how severe is the harm likely to be?

- Trivial adverse effect
- Minor adverse effect but self-manageable with minimal or no intervention
- Troublesome effect manageable by intervention with customer
- Major effect requiring outside intervention
- Serious adverse effect requiring immediate remedial action

L I K E L I H O O D						
S		1	2	3	4	5
E	1					
V	2					
E	3					
R	4					
I	5					
T						
Y						

- a) To assess a risk ranking, multiply the likelihood by the severity
- b) After the multiplication you will be left with a number from 1 to 25 which you can match against the following table to get the Residual Risk i.e. the risk that remains after the controls are in place.

Priority

1	Urgent Action	
2	High Priority	
3	Medium Priority	Range 5 – 9
4	Low Priority	Range 2 – 4
5	Very Low Priority	Range 0

Useful Links to Assist Local Gambling Risk Assessment

Crime

<https://www.police.uk>

<https://ukcrimestats.com>

<https://www.gov.uk/government/collections/crime-statistics>

Fair & Open

<http://www.gamblingcommission.gov.uk/ADR-Blog/List-of-applicants.aspx>

Protection of Children and the Vulnerable

<http://www.carehome.co.uk/>

<http://findmyschool.co.uk/results.aspx>

Risk Assessment Template (Example)

Premises

Premises Name:	Amusements
Premises Address:	1 The High Street, Denton, West Yorkshire
Premises Post Code:	AA1 0BB
Premises Licence Number:	D/12324/2015
Category of Premises:	AGC

Company

Operating Company:	Newton Leisure Ltd
Operating Licence Number:	23976

Assessment Writer

Name of Person Writing this Assessment:	Mr John Smith
Position within Company or Name of Authorised Agent:	Managing Director
Date that Original Assessment was Written	30 th December 2020

Requirement to Comply

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

Effective as at 6 April 2016

Social responsibility code provision 10.1.1

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

Ordinary code provision 10.1.2

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

Local Area Profile

The AGC is located in the town centre within a primary shopping centre and adjacent to an underground railway station on one side and a newsagent on the other. There is a wide range of retail outlets in the close vicinity including banks, licensed betting offices, fast food outlets and a church. There are no public houses, night clubs schools or colleges in the immediate vicinity.

The venue is large, in the shape of a square, with a twenty-foot frontage but just the one door opening on to the footway. No auxiliary activities or facilities are offered other than gambling machines of category B3, C and D.

There are no known local problems with crime or anti-social behaviour linked to gambling but there is a certain amount of anti-social behaviour such as litter and graffiti. Vandalism/criminal damage has been of concern historically but reinstated regular police patrols in the town centre have had a positive effect, especially during evenings.

Our regulatory return data does not reflect any specific problems associated with consumer complaints, the need to call police for assistance or attempts by children and young persons to enter the premises.

Gambling Act 2005 – The Licensing Objectives

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

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

Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed
Children entering site unnoticed or unchallenged.	(C)	Low	Severe to business Severe to child	Interior Design Exterior Design	*Effective monitoring of entrance by floorwalkers with well positioned cash desk having direct line of site of the entrance. *Frontage of venue designed so as not to be attractive to children.	2021 Jan 2021 Jan
				Physical	*Electronic sensor beams across entrance. CCTV coverage of entrance linked to office and cash desk. Mirrors reflecting entrance positioned for maximum effectiveness.	2021 Jan
				Systems	*Think 25 policies in place and implemented. *Use of bacta's resources for age verification testing. *Regular staff training (quarterly) both in-house and by bacta. *Adherence to bacta's Handbook and staff handbook. *Clear & prominent premises signage and machine labelling. *Think 25 material displayed. * Monthly review of return data. * Policy of preventing the wearing of hoods. *Policies & Procedures in place and regularly reviewed.	2021 Jan
				Systems	*Customer interaction policy & procedure/log adhered to. * Liaison with management of nearby care home.	2021 Jan
Out of control gambling by other vulnerable persons	(C)	Low	Moderate to business Severe to vulnerable	Interior Design	*Conductive for effective monitoring of customers – adjustment made to one CCTV camera (2015 December 3).	2021 Jan
Failure to deal with Consumers making complaints about the outcome of Gambling	(B)	Moderate	Moderate to business Severe to customer	Physical	*Machine maintenance carried out by qualified engineer. *Machine turned off immediately should fault be identified. *Machines only acquired from licensed suppliers.	2021 Sep

Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed
Failure to deal with consumers making complaints about the outcome of Gambling (continued).	(B)	Low	Moderate to business Severe to customer	Systems	<ul style="list-style-type: none"> *Complaints procedure & forms available on premises. *Quarterly staff training on company policy. *Registered with ADR Entity – Pegasus ADR Service. *Compliant with Company P & P – bacta Handbook. 	2021 Oct
Failure to provide information to players on responsible gambling.	(C)	Low	Severe to business Severe to customer	Physical	<ul style="list-style-type: none"> *Stay in Control posters displayed prominently. *Sufficient quantity of posters. *Additional signposting adjacent to ATM. *New posters will incorporate QR codes *Stay in Control leaflets available in racks, discretely located. *Machine labelling displaying national gambling helpline. 	2021 Jan
				Systems	<ul style="list-style-type: none"> *Stock control system in place for leaflets. *Ensure adherence with P & P – bacta Handbook *Regular audit to ensure systems in place. 	2021 Jan
Failure to recognise signs associated with problem gambling or substantial changes in gambling style.	(C)	Moderate	Severe to business Severe to customer	Interior design	<ul style="list-style-type: none"> *Player positions effectively monitored. *Player's behaviour closely monitored. 	2021 Jan
				Systems	<ul style="list-style-type: none"> *Staffed trained in customer interaction in line with bacta's Handbook. *Clear policy to record the procedure for interaction and level of staff that are authorised to intervene. 	2021 Jan
Failure to properly administer the self-exclusion process and maintain its effectiveness thereafter, including breaches and reinstatements.	(C)	Low	Severe to business Severe to customer	Physical	<ul style="list-style-type: none"> *CCTV effectively positioned at entrance to benefit identification of known excluders. 	
				Interior Design	<ul style="list-style-type: none"> *Consideration given to internal layout so as to ensure effective monitoring of customers entering the premises and those that might enter in order to gamble on behalf of a self-excluder 	
				Systems	<ul style="list-style-type: none"> *All data subject to quarterly review. *Ensure that self-exclusion forms are always available for supply. *Digital camera always available on the premises to take photograph of customers wishing to self-exclude. *File of excluders kept and maintained on premises. *Company keeping abreast of the developments of bacta's national sector SE scheme with commitment to engage by 6 April 2016. *Compliant with P & P and log in bacta's Handbook. 	
Risk Assessment	LO	Level of Risk	Impact	Control	Risk Management	Reviewed

Failure to identify attempts to launder money on the premises (e.g. dye stained notes) and to follow correct reporting procedure.	(A)	Low	Severe to business Low to Customers	System Interior Design	*Effective monitoring of customers' behaviour by good lines of sight from static staff, and well positioned CCTV.	2021 Jan
				Physical	*Change machines and note acceptors regularly inspected. *TITO tickets not transferable to other premises.	2021 Jan
				Systems	*Fully compliant with LCCP requirements. *Comply with bacta's P & P in Handbook, in particular the reporting procedure to NCA by way of SARS.	2021 Jan
Poor security increasing vulnerability to crime.	(A)	Low	Severe to business Severe to customers	Physical	*Static panic alarms. *Staff provided with personal attack alarms. *Intruder alarm installed and regularly serviced. *Effective CCTV coverage with data stored for 30 days. *Time lock safe installed	2021 Jan
				Exterior Design	*Roller shutters fitted to frontage of premises and used during 'out of business' hours. *Toughened glass windows and door to limit criminal damage.	2021 Jan
				Systems	*Local authority/police CCTV in close proximity to premises. *Staff personal floats limited to £100.00. *Key storage and authorisation of use policy in place. *Regular liaison with local law enforcement agencies. *Log maintained should police be called to assist. *Partner of 'Local Shop Watch'. *Keep abreast of local crime trends. *Subscribe to bacta's crime bulletins.	2021 Jan
Awareness of heightened local crime in the local area.	(A)			Systems	In line with national urban levels. No heightened risk. https://www.police.uk https://ukcmmestats.com https://www.gov.uk/government/collections/crime-statistics	2021 Jan
Awareness of student learning facilities (schools & colleges) in the local area.	(C)			Systems	*No schools in immediate vicinity but aware of locations in area. *Partner of local anti-tranquy scheme. *Contact details of Education Welfare Officer kept on premises. Entrance monitoring given extra resources between 3pm and 4pm on school/college days.	2021 Jan
Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed

Awareness of residential facilities for the vulnerable in the local area.	(C)			Systems	*No care homes or other residential facilities for the vulnerable in the vicinity. http://www.carehome.co.uk	2021 Jan
Awareness of gambling care agencies in the local area.	(C)			Systems	*No facilities for problem gambling in the vicinity. www.gamcare.org.uk www.gordonmoody.org.uk	2021 Jan

Notes:

- It is stressed that this is an example report of what is expected to satisfy the requirements of producing a local risk assessment. Factors will inevitably vary from location to location so it is important to carry out a local area profile where your businesses are located.

Risk Assessment Template

Premises

Premises Name:	
Premises Address:	
Premises Post Code:	
Premises Licence Number:	
Category of Premises:	

Company

Operating Company:	
Operating Licence Number:	

Assessment Writer

Name of Person Writing this Assessment:	
Position within Company or Name of Authorised Agent:	
Date that Original Assessment was Written	

Requirement to Comply

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2. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at **each of their premises**, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

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 - e. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - f. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - g. when applying for a variation of a premises licence; and
 - h. in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

2. 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.

BACTA MEMBER TERMS & CONDITIONS¹

These terms contain important provisions. Please read them carefully as they will apply to your gambling and use of our facilities.

Who we are and our contractual relationship

1. The [adult gaming centre/family entertainment centre] at [address] is operated by [name of company] ("us" or "we") under the authority of an [adult gaming centre/family entertainment centre] operating licence (licence no. [licence number]) granted by the Gambling Commission of Great Britain
2. When you use the gaming machines or any other facilities on our premises you are entering into a legal contract with us, the terms of which are set out here (the "Terms"). As soon as we provide or display amended Terms then the amended Terms will apply from that point onwards unless we make any material changes in which case, we will display a notice in our premises informing customers of the changes to Terms before they come into effect.
3. When you are on our premises, we expect you to treat our staff and other customers with courtesy. We may ask you to leave if, in our opinion, your behaviour is rude, threatening, or abusive; or you are under the influence of alcohol or other substances. We may refuse admission to our premises at any time without giving reasons.

Under age gambling

4. [Entry to our premises/the adult only area of our premises/use of the gaming machines (other than Category D i.e. those with a maximum stake of 10p and maximum prize of £5 cash or £8 non-monetary prize)]² is only for those aged 18 years and older. Our staff are required to check your age if you appear to be under the age of 25. You may be required to show a form of ID proving your age.]³
5. We will only accept a valid, legible, and current form of ID that is an original not a copy and which contains a photograph capable of identifying you and which must also state your date of birth. Any ID's which show signs of tampering will be rejected. Acceptable forms of ID 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.
6. We may refuse you entry and/or remove you from our premises if you appear to be under-age and cannot or will not produce an acceptable form of ID.
7. If we discover that a child (under 16 years) or young person (16 or 17 years) has gambled on any gaming machine (other than a Category D (i.e. stake of no more than 10p and maximum prize of £[5 cash or £8 non-monetary prize])⁴, then we will return the payment to play and no prize winnings will be paid out.
8. [If you are over 18 and are accompanied by a person who is under the age of 18 then we will refuse both of you entry. If you enter or try to enter more than once when accompanied by a person who is under the age of 18 years, then we may exclude you from our premises permanently (even if not accompanied by a child or young person).]⁵

Responsible gambling and self-exclusion

9. You agree that we may approach and speak to you where we believe you may have an issue with your gambling and that we may refer you to sources of help with problem gambling. We may record those discussions with you and may also give details of our concern to the Gambling Commission - this will be in general terms and no personal data will be shared with the Gambling Commission. You may want to contact GAMCARE which provides information, advice and counselling to individuals, their family and friends who have concerns about problem gambling. The Helpline number for GamCare is 0808 802 0133. We are a member of bacta's national self-exclusion scheme (please see www.bacta.org.uk).

¹ Notes: THESE TERMS ARE INDICATIVE OF SOME OF THE TERMS BACTA'S MEMBERS COULD CONSIDER USING. HOWEVER, MEMBERS MUST TAKE INDEPENDENT LEGAL ADVICE.

² Notes: Please select one of the three options and complete as necessary.

³ Notes: For adult AGC's only.

⁴ Notes: Please insert values.

⁵ Notes: Only for adult AGC's or adult only areas.

10. This means that you may exclude yourself from gambling with us and from other participating adult gaming centre premises for an initial minimum period of between 6 and 12 months. Please inform a member of staff if you wish to discuss self-exclusion. If we can we will try to discuss this with you in private.
11. In order to self-exclude, you will be expected to sign a digital self-exclusion form accepting the terms and conditions of your self-exclusion and provide us with personal information such as your name, address and contact details, as well as photo identification and any other personal details we reasonably consider necessary to implement this self-exclusion. You do not have to enter our premises to do this and may communicate with us in writing. You agree that we may share the information you provide and the fact of your self-exclusion with bacta, other adult gaming centres and family entertainment centres. More details will be provided by our staff if you choose to self-exclude.
12. If you have self-excluded yourself from our venue, then we will try to make sure that you are not allowed to enter our premises. If we find you inside our premises, then we will ensure that you leave as quickly as possible. **However, if you still manage to gamble during a period of self-exclusion then we will not be responsible for your gambling losses, nor will we have to refund any monies lost.** We will record any attempt by you to breach your self-exclusion agreement.
13. At the end of the period chosen by you, the self-exclusion will remain in place for a further 6 months unless you take positive action in order to gamble again by requesting a member of staff to allow you to do so. If you reinstate yourself to gambling in this way you will not be able to gamble for a further 24 hours – this is called a cooling off period and is required by Gambling Commission Regulations. You may also request a renewal of the self-exclusion when it expires by contacting a member of our staff.
14. If you do not renew your self-exclusion, nor request to be re-instated to gambling then your self-exclusion will automatically continue for a further six months. After this time, you will no longer be self-excluded.
15. We reserve the right to exclude you from the premises without your consent if you we consider that you are unable to control your gambling or are abusive to staff, are disruptive or fail to comply with any other terms of entry.

Credit and loans

16. We do not provide any form of credit in connection with gambling.
17. We do not permit any loans or other arrangements on our premises where credit is given to another person for any gambling activities. We will ask anyone to leave our premises and will exclude from entry in the future anyone who we discover is making loans on our premises on a commercial or organised basis.

Promotions and reward schemes

18. Any promotions, loyalty, or other reward schemes we offer will be subject to separate terms and conditions.

Refunds

19. If any gaming or other machine fails to work or work properly then, at the discretion of the venue, you will be entitled to a refund of the stake you wagered. If we believe a machine is operating incorrectly, we may stop any further play on it. Any wins from a faulty machine will be void and you will not be entitled to collect any winnings accrued on a faulty machine.

Complaints and disputes

20. In this section, a "complaint" means a complaint about any aspect of our operation of our licensed gaming activities. A "dispute" is any complaint which is not resolved at the first stage of our complaints process. A copy of our complaints and disputes procedure is available on request.
21. If you have any complaints about any of the facilities for gambling that we provide then, in the first instance, you should raise it as soon as possible with the Duty Manager. If your complaint is not resolved to your satisfaction by the Duty Manager then please put your complaint in writing, setting out the circumstances and send it together with any supporting information to [name and address] within [21] days.
22. We will aim to respond in writing to your complaint within [14] days of receiving your written complaint.
23. If your complaint remains unresolved after receiving a written response from us, then we treat it as a dispute, and you have the option to refer it to the independent alternative dispute resolution ("ADR") entity that we use. This entity is called bacta ADR Services. It is independent of bacta and can be contacted via its website <http://pegasusadrservice.org.uk>

24. There is no charge or cost to you in referring your complaint to bacta ADR Service, but it will not deal with your complaint until you have been through our complaints procedure. In referring a dispute to ADR, you accept that any determination is binding on you and us.

Cheating and advantage play

25. If you are found cheating or if it is determined by us that you have employed or made use of a system (including any apparatus) designed to gain an advantage over the random operation of any gaming machine, you will not be paid out any prizes and will be barred from entering the premises in the future.

Data protection and privacy

26. We operate CCTV facilities at our premises for the purposes of detection and prevention of crime, and to ensure that our staff are able to work in a safe environment. CCTV recordings may be disclosed to the police or used in dealing with any complaints.
27. If you have opted into the self-exclusion scheme then your personal data will be made available to our staff, to bacta and other participating adult gaming centres. More information is provided on the bacta website: www.bacta.org.uk.
28. In order to fulfil our regulatory obligations, we may undertake various checks of your identity, residence, income and wealth and may require you to supply us with information or documents in this regard.

REMEMBER THE FRAUD ACT 2006: "Providing false information is a criminal offence" ROUTE 1: Referee Validating Document(s):

Take this form to your chosen referee: full list of Route 1 criteria is available at citizencard.com. They must be professionally employed and meet our criteria, for example:

- Accountant
- Bank/Banking Society Officer
- Banker
- Charman/Director/Manager of a Limited Company
- Chemist/Pharmacist
- Civil Servant (Government)
- Consultant (Local or County)
- Director/Manager of a VET regulated charity/company
- Doctor (Medical)
- Financial Director
- Immigration Advisor
- Legal Secretary
- Member of Parliament
- Minister of Religious/Ritual
- Nurse (NMC)
- Officer of the Armed Forces
- Politician
- Personal License Holder
- Police Officer
- Salvation Army Officer
- Social Worker
- Solicitor
- Police Officer
- Teacher/Teaching Assistant
- Trade Union Official

1. The referee must complete the Release Declaration and countersign one photo.
2. You must show the referee one of the following original documents:
 - Adoption Certificate
 - Biometric Home Office Photo ID
 - Birth Certificate
 - Certified Copy of a Birth Certificate
 - Disclosure and Barring Service Certificate (DBS)
 - European National ID Card (must bear a recent likeness to you)
 - Global or European Health Insurance Card (GHIC/EHIC)
 - Gender Recognition Certificate
 - Marriage Certificate (which states applicant's date of birth)
 - UK Naturalisation Certificate
3. Take this form, together with one of the above original documents and a photocopy of that document, to your referee who will countersign this form, one of your photos and the photocopy of your document. If the referee is unknown to you, you must provide a photographic ID document (Passport, Driving Licence, EU National ID Card).
4. If you have legally changed your name and the document shows your previous name, please show your referee the original name change document(s) and have them countersign the photocopies and include this when you send us your application. We accept change of name deeds, marriage certificates, gender recognition certificates and court orders as proof of change of name.

ROUTE 2: Referee Verifying From Official Records:

- Take this form to your chosen referee:
- They must be professionally employed, know you and be able to confirm your details against their official records held at their place of work.
- Permitted list of referees matching details against their official records:
- your Doctor / Dentist / Nurse / Administrator at your GP or Dental Surgery
 - your Teacher / Tutor / Head of Year / Administrator / Careers Adviser at your School, College or University (please ensure they are available during academic holidays as they must be contactable at their place of work)
 - your Social Worker
 - your Certified Solicitor
 - a Bank / Building Society Staff Member at your Branch
 - your Prison or Probation Officer
 - your Jobcentre Plus Work Coach
 - your Immigration Adviser registered at the Office of the Immigration Commissioner
 - if you are employed with any of the above referees, they can verify your identity from their personnel records
 - if you are employed by a Public Authority / Government, your employer can verify your identity from their personnel records
 - if you are employed by a Local Authority, your employer can verify your identity from their personnel records
 - if you are employed by a UK business that has more than 250 staff, your employer can verify your identity from their personnel records.
1. Take this form to your referee who must countersign this form and one of your photos.
 2. The referee must certify that your name and date of birth match the official records held at their workplace.

Referee Verification Criteria:

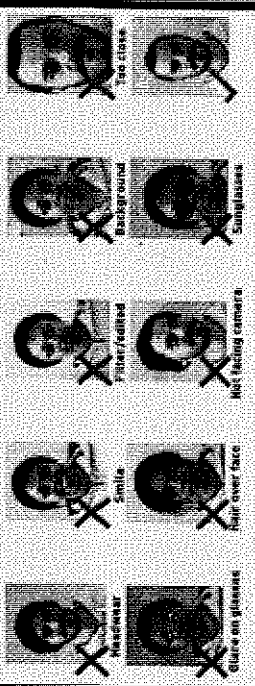
- A referee must not:
- be related to you or in a personal relationship with you (cannot be a guardian, foster carer, spouse, civil partner, fiancé, boyfriend/girlfriend)
 - live with you
- The referee must be:
- currently employed and be contactable at their place of work via email and on their work phone number during standard office hours at registered business address. We have to verify their business details which must be published/advertised in online professional business directories.

Notes For The Referee:

- Make sure you meet our verification criteria and are working in one of the occupations listed on this form or online.
- You must be willing to tick all of the boxes in the Referee Declaration for the Route that has been chosen.
- You must complete the Referee Declaration in full, including your signature.
- You must write on the reverse of one of the photos: *I certify that this is a true likeness of [name]* followed by your full name, signature and the date.
- If a document has been provided, check the details match the details provided in the Applicant Declaration.
- Write on the photocopy of the document after witnessing the original document in person: *I certify that I have seen the original of this copy and that it matches the name and date of birth on this application form* followed by your full name, signature and date.
- CitizenCard will contact you through your workplace to verify the information provided.

Payment, Parental Consent & Photo Guidelines

- **Standard applications** cost £15.00 ~ 21 days processing (subject to verification checks) - card sent by 2nd class post. **Urgent applications** cost £30.00 ~ 1-2 working days processing (subject to verification checks) - card sent by next day delivery.
 - Payment can be made by card or by enclosing a Postal Order made out to CitizenCard. Please **DO NOT** enclose cash or cheques.
 - **Please Note:** Payment is made for our Application Processing and Validation Service. If you complete the Application process successfully we will issue you with a CitizenCard, subject to conditions of use, which remains at all times Our legal property. If an application fails, payments will not be refunded.
 - If the applicant is under 16, a parent/guardian must consent to the application and fill out the Consent area at the bottom of the form overleaf.
 - For more information please visit citizencard.com
- Photo Guidelines:** for full photo guidelines visit citizencard.com/photos-guidance



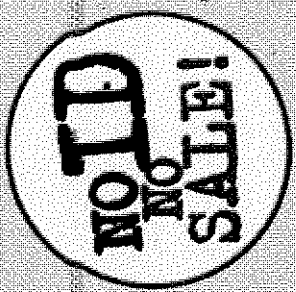
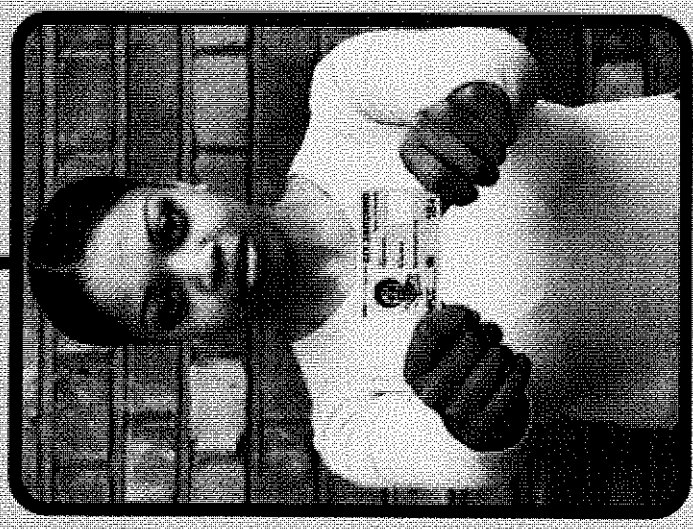
PLEASE POST YOUR COMPLETED APPLICATION BY RECORDED DELIVERY TO:
CitizenCard Ltd.
7 Prescott Place
LONDON
SW4 8BS

The CitizenCard Scheme is operated by CitizenCard Ltd a non-profit company limited by guarantee in England & Wales No. 3853952 Registered Address: 7 Prescott Place London SW4 8BS

CITIZENCARD

APPLICATION FORM

The easiest way to prove your age and identity



18+ CitizenCards display the logos of:



APPENDIX 7

Title _____ Given Names _____ Surname _____ Date of Birth _____

House No. _____ House Name _____

Street _____

Town/City _____

County _____

Home Tel. _____ Mobile _____

E-mail address _____

I acknowledge that providing false information is a criminal offence (Fraud Act 2006) and agree to our T&Cs found online, I understand CitizenCard will not issue a card unless all requirements for card issue have been met. (citizenCard.com/terms-and-conditions)

I understand that payment covers the cost of processing this application, I am not buying the card, which remains the property of CitizenCard Limited and that the card may not be lent to, or used by, anyone other than myself.

I enclose 2 colour photos (45x35mm), one of which is signed by the referee and both of which are enclosed.

Route 1 only I attach a photocopy of an original document confirming my identity signed by the referee which I have enclosed with this application.

I consent to receiving messages from CitizenCard e.g. regarding replacement cards, market research and card offers

by email by SMS by post

I consent to the referee named below confirming my details when contacted by CitizenCard at their workplace.

Referee Declaration - must meet criteria overleaf

Title _____ First Name _____ Surname _____

Job Title _____

Name of Organisation _____

Professional Registration No. if applicable _____

Work address _____

Work Tel. No. _____ Exi. _____

Work E-mail Address _____

Route 1: Referee Validating Documents:

The applicant is known to me and I have written on a copy of their original document confirming their identity "I certify that I have seen the original of this copy and that it matches the name and date of birth on this application form adding my name, signature and the date."

The applicant is unknown to me and I have written on a copy of their original photographic ID document confirming their identity "I certify that I have seen the original of this copy and that it matches the name and date of birth on this application form" adding my name, signature and the date.

I have written on the reverse of one photo "I certify that this is a true likeness of..." adding my name, signature and the date.

I understand that providing false information is a criminal offence (Fraud Act 2006), I consent to being contacted at my workplace to confirm the information supplied and acknowledge that the applicant has consented to me confirming their personal details (see above).

Payment - and parental consent if applicant is under 16)

POSTAL ORDERS payable to CitizenCard

DO NOT SEND CASH OR CHEQUE

Cardholder name as it appears on card _____

Card Expiry Date _____ Amount (£) _____

Card Number _____

REQUIRED IF APPLICANT IS UNDER 16: I consent to this application for a CitizenCard.

Name _____

Mother

Father

Guardian

Parent/Guardian Signature: _____

Cardholder Signature: _____

1-2 Working days after receipt of application (subject to verification)

I enclose urgent payment of £30

URGENT APPLICATION. 21 days after receipt of application (subject to verification)

I enclose standard payment of £15

STANDARD APPLICATION.

I certify that the applicant is known to me and their full name and date of birth, as declared above on this application form, match the records held at this office/organisation.

I certify that the applicant is the person pertaining to our records.

I have written on the reverse of one photo "I certify that this is a true likeness of..." adding my name, signature and the date.

I understand that providing false information is a criminal offence (Fraud Act 2006) and I consent to being contacted at my workplace, to confirm the information supplied and acknowledge that the applicant has consented to me confirming their personal details (see above).

Route 2: Referee Verifying From Official Records:

Referee Signature: _____

Date: _____

ATTACH ONE PHOTO HERE

Applicant Signature: _____



Anti-Money Laundering Regulations
&
Risk Assessment
Guidance Document

CONTENTS

Executive Summary		4
Part 1 - Introduction and summary of the advice		6
1. Purpose		6
2. Who is this intended for?		6
3. The role of gambling operators		6
4. The role of the Commission		7
5. The Proceeds of Crime Act 2002		8
6. Risk-based approach		8
7. Customer relationships		9
8. Duties under the Proceeds of Crime Act 2002		9
Nominated Officers		9
Suspicious activity reporting		9
9. Failing to report (nominated officer)		11
10. After a report has been made		11
11. Prejudicing an investigation		12
12. Training		12
Part 2 - The advice		13
13. What is meant by the proceeds of crime and money laundering?		13
14. The Proceeds of Crime Act 2002		14
15. Offences under the Proceeds of Crime Act 2002		14
Risk-based approach		16
Introduction		16
Identifying and assessing the risks faced by the operator		18

16.	Customer relationships	20
	Establishment of business relationship	21
	Customer monitoring	22
	Termination of business relationship	22
17.	Duties under the Proceeds of Crime Act 2002	23
	Authorised disclosures	23
	Appointment of nominated officer	24
	Role of nominated officer	25
	Suspicious activities and reporting	26
	What is meant by knowledge and suspicion?	26
	What constitutes suspicious activity	27
	Suspicious activity reports (SARs)	29
	Appropriate Consent	32
	Applying for appropriate consent	34
18.	Failing to report (nominated officer)	38
19.	After a report has been made	38
20.	Prejudicing an investigation	38
	Customer interaction	39
21.	Training	40
Figures		
	Figure 1 – Knowledge or suspicion of money laundering (subjective test)	31
	Figure 2 – Appropriate consent	37
Appendix A		
	Glossary of terms	42
Appendix B		
	Template of an example risk assessment model	44
Useful Links		
		46

EXECUTIVE SUMMARY

Article 7 of the European Union 4th Anti-Money Laundering Directive (4th AML Directive) was adopted by the European Commission on 5th June 2015 and is currently moving through a two-year transposition process. The Directive brings all providers of gambling services into the regulated sector and subject to the Money Laundering Regulations with consideration to the following caveat:

The 4th AML Directive creates the potential for EU member states to exempt (in full or in part) certain providers of gambling services where they are able to demonstrate proven low risk following an appropriate risk assessment, taking into account the nature and, where appropriate, the scale of the operations of the services.

Member states must consider the following factors in their risk assessments:

- how vulnerable their transactions and payment methods are to money laundering, and
- whether they are affected by findings issued in supranational assessments issued by the European Commission.

The Gambling Act 2005 places a responsibility on all gambling operators to keep financial crime out of gambling. This is derived from the licensing objective to prevent gambling from being a source of crime and disorder.

The Proceeds of Crime Act 2002 (POCA) places a further obligation on gambling operators to be alert to attempts by customers to gamble money acquired unlawfully. This applies to all forms of money laundering including 'cleaning' dirty money, attempting to disguise the criminal source of the funds, or simply using criminal proceeds to fund gambling.

It is largely accepted that the Adult Gaming Centre (AGC) and Licensed Family Entertainment Centre (LicFEC) sectors of the betting and gaming industry pose low risk to money laundering activities, but it is important nevertheless that all companies are aware of POCA and the need to assess what level of risk their companies are exposed to in respect of potential money laundering activities., especially with regard to TITO products and change machines.

The policy and procedure document relating to suspicious monetary transactions in the bacta toolkit condenses the requirements and remains appropriate as a guide to ensure that junior members of staff who interact with customers are compliant.

Once the potential level of risk to your company has been established it is very unlikely that all of your customers and services will pose the same level of risk. As such it is unlikely that you will need to know all your customers equally. It is recommended that you adopt three levels of due diligence:

- Low diligence to reflect very low risk
- Standard diligence to reflect low risk
- Enhanced diligence to reflect medium to high risk.

Under POCA, all gambling operators have a responsibility to report instances where they know or suspect that a customer is using the proceeds of crime to gamble, or is using their gambling facilities to launder money.

All operators are required to assess and manage the risks of their business being used for money laundering and terrorist funding. However, the assessment should be proportionate and appropriate to:

- the size of the company
- the business model, and
- the style of delivery to consumers

Where an assessment reveals low risk, plans and procedures to mitigate these will be proportionate.

The approach you take to due diligence should reflect the level of risk that your company is exposed to. Whether that be in relation to your customers, the services or products that you provide or the geographical location where your company is located. By identifying these risks, they can then be mitigated by implementing adequate policies and procedures that are proportionate to these risks. Having these adequate policies and procedures in place, provides a certain level of protection in investigations regarding money laundering.

The initial step to determining your risk based approach is to identify potential risks. The following table provides key areas that should be reviewed and considered

Area	Consideration
Customer	Type of customer (demographic) Relationship with your customers. Location of your customer base
Product/Service	Gambling machine categories and other products you provide. Risk these machines and products pose for money laundering
Delivery method	Location of your business (local risk assessment) Method(s) of payment delivery

An example risk assessment model is produced at Appendix 'B'.

Part 1 - Introduction and summary of the advice

1 Purpose

- 1.1 All gambling operators have a responsibility to keep financial crime out of gambling. The Proceeds of Crime Act 2002 (POCA) places a legal obligation on gambling operators to be alert to attempts by customers to gamble money acquired unlawfully, either to obtain legitimate or 'clean' money in return (and, in doing so, attempting to disguise the criminal source of the funds) or simply using criminal proceeds to fund gambling. Both modes of operation are described as money laundering.
- 1.2 This advice document, the contents of which emanate from advice published by the Gambling Commission and other regulatory or authoritative sources, explains how operators can make sure they and their employees comply with their legal obligations under POCA. It sets out a number of matters operators need to be aware of and explains their duties and responsibilities under POCA.
- 1.3 While the advice focuses primarily on the relationship between operators and their customers, and the money laundering risks presented by transactions with customers, operators should also give due consideration to the money laundering risks posed by their business-to-business relationships.

2 Who is this intended for?

- 2.1 This advice is directed at holders of AGC and LicFEC operating licences issued by the Gambling Commission (the Commission), and are members of bacta.
- 2.2 The advice is detailed and aimed primarily at operators with a number of employees, either full time or part time. However, it remains the responsibility of all operators to understand and comply with the requirements of POCA.

3 The role of gambling operators

- 3.1 Operators have a responsibility to uphold the three licensing objectives set out in the Gambling Act 2005 (the Act). The first of those licensing objectives is to prevent gambling being a source of crime or disorder, being associated with crime and disorder, or being used to support crime.
- 3.2 As described in paragraph 1.1, money laundering in the gambling sector takes two main forms:
 - Exchanging money, assets, goods and property that were acquired criminally for money or assets that appear to be legitimate or 'clean' (so called classic money

- laundering). This is frequently achieved by transferring or passing the funds through some form of legitimate business transaction or structure.
- The use of criminal proceeds to fund gambling as a leisure activity (so called criminal or 'lifestyle' spend).
- 3.3 Operators should report instances of money laundering or attempts by customers to launder money to the National Crime Agency (the NCA) and, where appropriate consent is requested, wait for such consent to deal with a transaction or an arrangement involving the customer, or wait until a set period has elapsed before proceeding.
- 3.4 Operators should be aware that there is no *de minimis* threshold for the management and reporting of money laundering activity.

4 The role of the Commission

- 4.1 The Commission licenses operators and requires them to uphold the three licensing objectives set out in the Act. The first of those licensing objectives is to prevent gambling being a source of crime or disorder, being associated with crime and disorder, or being used to support crime. This advice document is an important frame of reference to help operators meet that objective. Whilst potential breaches of POCA will normally be reported to the National Crime Agency (NCA) and fall to the police to investigate, the Commission, in its role as the gambling regulator, seeks assurance that risks to the licensing objectives posed by money laundering activity are effectively managed, and will assist operators to meet their obligations under POCA, where appropriate.
- 4.2 The Commission adopts a risk-based approach to its role and therefore focuses attention on circumstances where the processing of criminal funds or criminal spend indicates serious failures of an operator's arrangements for the management of risk and compliance with POCA, or makes a reasonably significant contribution to the financial performance of the business, particularly concerning their continued suitability to hold a licence. **Where criminal spend is concerned, the Commission recognises the challenges faced by the gambling industry in identifying lower level activity.**
- 4.3 Where operators fail to uphold the licensing objectives, for example by being ineffective in applying anti-money laundering (AML) controls or ignoring their responsibilities under POCA, the Commission will consider reviewing the suitability of the operator to carry on the licensed activities, under section 116 of the Act. This could result in the suspension or revocation of the operator's licence under sections 118 and 119 of the Act.
- 4.4 The Commission has the powers of accredited financial investigators under POCA. This means, amongst other things, that (in England and Wales) the Commission can apply for orders and warrants in relation to money laundering, for the purpose of:
- requiring a specified person to produce certain material
 - permitting the search of and seizure of material from specified premises

- requiring a financial institution to provide customer information relating to a specified person.

5 The Proceeds of Crime Act 2002

- 5.1 POCA defines criminal property as property which constitutes a person's benefit from criminal conduct or represents such a benefit, in whole or in part, whether directly or indirectly, and the alleged offender knows or suspects it constitutes or represents such a benefit.
- 5.2 Criminal conduct is defined as conduct which constitutes an offence in any part of the United Kingdom or would constitute an offence in any part of the United Kingdom if it occurred there.
- 5.3 A person benefits from criminal conduct if he obtains property as a result of or in connection with the conduct. If a person benefits from criminal conduct, his or her benefit is the property obtained as a result of, or in connection with, the conduct. Property is gained by a person if he obtains an interest in it.
- 5.4 POCA creates several principal offences that apply to everyone and criminalise any involvement in the proceeds of any crime if the person knows or suspects that the property is criminal property. These offences relate to the concealing, disguising, converting, transferring, acquisition, use and possession of criminal property, as well as an arrangement which facilitates the acquisition, retention, use or control of criminal property. For example, in the gambling industry, this may involve the taking of cash, cheque, or card payments, based on funds which are the proceeds of crime, in the form of a bet or wager, or holding money on account for a customer for the purposes of gambling.
- 5.5 POCA and the offences under POCA are discussed in sections 14 and 15 of this advice document.

6 Risk-based approach

- 6.1 A risk-based approach focuses effort where it is most needed and will have most impact. It requires the full commitment and support of senior management, and the active cooperation of all employees.
- 6.2 A risk-based approach involves a number of steps to assess the most proportionate way to manage and mitigate the risks faced by the operator:
- identifying the money laundering risks relevant to the operator
 - designing and implementing policies and procedures to manage and mitigate the risks
 - monitoring and improving the effective operation of these controls recording what has been done, and why.

- 6.3 The possibility of gambling being used by criminals to assist in money laundering poses many risks for operators. These include criminal and regulatory sanctions for operators and their employees (including the potential loss of licences), civil action against the operator, damage to the reputation of the operator leading to a loss of business, and inflated or false business performance.
- 6.4 Operators need to continually identify, assess and prevent these risks, just like any other business risk. Operators should assess the level of risk in the context of how their business is structured and operated, and the controls in place to minimise the risks posed to their business by money launderers, including those engaged in criminal spend.
- 6.5 The risk-based approach is discussed in section 16 of this advice document.

7 Customer relationships

- 7.1 Operators should be mindful that some risk indicators (for example, a pattern of increasing spend, spend inconsistent with apparent source of income or unusual patterns of play) could be indicative of money laundering, but also equally of problem gambling, or both (or, possibly, neither).
- 7.2 Given that operators have the responsibility to prevent gambling from being associated with crime and disorder and protecting vulnerable people from being harmed by gambling, they should carry out appropriate enquiries and assessments which help them in fulfilling that role. It is important that the operator is able to continually access and understand information relating to gambling activity by the same customer in different parts of the business so that the operator has a fuller picture of the risks to which they are exposed.
- 7.3 Customer relationships consist of the following three aspects:
- the establishment of the business relationship with the customer
 - the monitoring of customer activity
 - the termination of the business relationship with the customer.
- 7.4 In all instances of the relationship it is necessary to consider whether the customer is engaging in money laundering, including criminal spend, and to report suspicious activity and seek appropriate consent where appropriate, as well as considering any risk to the licensing objectives.
- 7.5 Customer relationships are discussed in section 17 of this advice document.

8 Duties under the Proceeds of Crime Act 2002

- 8.1 POCA imposes duties on all operators to:
- disclose instances where operators know or suspect that another person is engaged in money laundering
 - make disclosures in the prescribed form and manner
 - obtain appropriate consent to do a prohibited act, where appropriate.
- 8.2 If a person carries out any action contemplated under the principal money laundering offences, the person can potentially commit one or more of the principal offences, except if an authorised disclosure is made prior to carrying out the action. The principal offences can be committed by any employee of the operator, except if a report is made to the NCA and, where applicable, appropriate consent is obtained from the NCA. Therefore, in all instances where customers' funds are known or suspected of having criminal origins, a report must be made to the NCA at the earliest opportunity.

Nominated officer

- 8.3 Whilst it is only incumbent upon those companies in the regulated sector (which, in the gambling industry, currently includes non-remote and remote casinos) to appoint nominated officers, **it is recommended that operators in the AGC and LicFEC sectors should also consider appointing a nominated officer, as this will help them meet their obligations under POCA more effectively.**
- 8.4 Where a nominated officer is appointed, he or she will normally be responsible for ensuring that, when appropriate, information or any other matter leading to knowledge or suspicion of money laundering is properly disclosed to the NCA. The decision to report or not to report suspicious activity is the responsibility of the nominated officer.
- 8.5 The nominated officer will:
- receive internal disclosures under Part 7 of POCA
 - decide whether these disclosures should be reported to the NCA
 - if appropriate, make such external reports to the NCA
 - ensure that appropriate consent is applied for, as necessary. The nominated officer should record all decisions made in this regard.

Suspicious activity reporting

- 8.6 All operators are required to make a report in respect of information that comes to them within the course of their business:
- where they know, or
 - where they suspect that a person is engaged in money laundering, including criminal spend.

- 8.7 In order to provide a framework within which suspicious activity reports (SARs) may be raised and considered:
- each operator should ensure that employees make reports to the operator's nominated officer, or an employee in a managerial capacity, where they know or suspect that a person is engaged in money laundering
 - the nominated officer, or the manager, should consider each report, and determine whether it warrants the submission of a SAR
 - operators should ensure that employees are appropriately trained.
- 8.8 Knowledge means actual knowledge. Having knowledge means actually knowing something to be true. **In a criminal court, it must be proved that the individual in fact knew that a person was engaged in money laundering.**
- 8.9 Whether you hold suspicion or not is a subjective test. Being suspicious of a transaction does not require knowledge of the exact nature of the criminal offence or that the funds are definitely those arising from the crime.
- 8.10 In order for a disclosure to the NCA to be made, it is not necessary to know or to establish the exact nature of any underlying criminal offence, or that the particular funds or property were definitely those arising from a crime. Furthermore, it is not necessary to await conviction of a customer for money laundering or other criminal offences in order to generate suspicion that money laundering has taken place.
- 8.11 If operators handle any proceeds of crime, they may commit a principal money laundering offence. However, if the operator submits a SAR to the NCA, this may provide a defence. There is a statutory mechanism which allows the NCA either to grant or refuse the 'prohibited act' going ahead. This statutory mechanism is called 'appropriate consent'.
- 8.12 Appropriate consent is granted by the NCA United Kingdom Financial Intelligence Unit (UKFIU) Consent Desk, who carry out the necessary internal enquiries, and will contact the appropriate law enforcement agency, where necessary, for a consent recommendation. Once the NCA's decision has been reached, the disclosing operator will be informed of the decision by telephone, and be given a consent reference number, which should be recorded, along with the operator's record of decisions made.
- 8.13 Operators duties under POCA, the status and role of the nominated officer, suspicious activity and reporting, and appropriate consent are discussed in section 18 of this advice document.

9 Failing to report (nominated officer)

- 9.1 POCA creates an offence of failing to report suspicious activity. Where a person nominated by the operator to receive disclosures fails to comply with the obligation to make a report to the NCA as soon as practicable after the information is received, that

person is open to criminal prosecution. The criminal sanction under POCA is a prison term of up to five years and/or a fine.

9.2 The offence of failing to report is discussed in section 19 of this advice document.

10 After a report has been made

10.1 When an enquiry is under investigation, the investigating officer may contact the operator to ensure that he has all the relevant information which supports the original disclosure.

10.2 The investigating officer will work closely with the operator, who will normally receive direct feedback on the stage reached in the investigation.

10.3 This is discussed in more detail in section 20 of this advice document.

11 Prejudicing an investigation

11.1 Where a confiscation investigation, a civil recovery investigation or a money laundering investigation is being, or is about to be conducted, it is a criminal offence for anyone to release information which is likely to prejudice the investigation. It is also a criminal offence to falsify, conceal, destroy or otherwise dispose of documents which are relevant to the investigation (or to cause or permit these offences).

11.2 There are a number of defences to the offence, including that the person did not know or suspect that the disclosure is likely to prejudice the investigation. The offence of prejudicing an investigation can be committed before or after a disclosure has been made.

11.3 Reasonable enquiries of a customer regarding the background to a transaction or activity that is inconsistent with the normal pattern of activity, and may be driven by social responsibility concerns, should not result in the offence of prejudicing an investigation, unless you know or suspect that an investigation is current or impending and, importantly, make the enquiries in a way that it discloses those facts.

11.4 The prejudicing an investigation offence is discussed in section 21 of this advice document.

12 Training

- 12.1 Under POCA, employees face criminal penalties if they are involved in money laundering, unless they make a report of known or suspected money laundering activity. It is important, therefore, that employees are made aware of their legal obligations and how to correctly discharge them.
- 12.2 Operators should also take reasonable steps to ensure that employees are aware of the money laundering risks faced by the operator, the operator's procedures for managing those risks, the identity and responsibilities of the person responsible for making reports to the NCA, and the potential effect of a breach of POCA on the operator and its employees.
- 12.3 Training is discussed in section 22 of this advice document.

Part 2 - The advice

13 What is meant by the proceeds of crime and money laundering?

- 13.1 Broadly, the term 'proceeds of crime' or 'criminal proceeds' refers to property from which a person benefits directly or indirectly, by being party to criminal activity, for example stolen money, money from drug dealing or property stolen in a burglary or robbery (this is commonly referred to as criminal property). It also includes property that a person gains by spending the proceeds of criminal activity, for example, if a person uses money earned from drug dealing to buy a car or a house, or spends money gained in a bank robbery to gamble.
- 13.2 Classic money laundering consists of a number of stages:
 - placement
 - layering
 - integration.
- 13.3 Placement is the first stage in the money laundering cycle. The laundering of criminal proceeds is often required because of the cash-intensive nature of the underlying crime (for example, drug dealing where payments take the form of cash, often in small denominations). The monies are placed into the financial system or retail market, or are smuggled to another country. The aim of the money launderer is to avoid detection by the authorities and to then transform the criminal proceeds into other assets.
- 13.4 Layering is the next stage and is an attempt to conceal or disguise the source and ownership of the criminal proceeds by creating complex layers of financial transactions which obscure the audit trail and provide anonymity. The purpose of layering is to disassociate the criminal proceeds from the criminal activity which generated them. Typically, layers are created by moving monies in and out of various accounts and using electronic fund transfers.

- 13.5 Integration is the final stage in the process. It involves integrating the criminal proceeds into the legitimate economic and financial system, and assimilating it with other assets in the system. Integration of the 'clean' money into the economy is accomplished by the money launderer making it appear to have been legally earned.
- 13.6 There is potential for the money launderer to use gambling at every stage of the process. The land-based gambling industry is particularly vulnerable during the placement stage as the use of cash is prevalent and the provenance of such cash is not easy to determine.
- 13.7 Operators should be mindful that the offence of money laundering also includes simple criminal spend (the use of criminal proceeds to fund gambling as a leisure activity).

14 The Proceeds of Crime Act 2002

- 14.1 In section 340 of POCA, criminal property is defined as property which:
- constitutes a person's benefit from criminal conduct or represents such a benefit, in whole or in part, and whether directly or indirectly
 - and the alleged offender knows or suspects it constitutes or represents such a benefit. It is immaterial who carried out the criminal conduct, who benefited from it and whether the conduct occurred before or after the passing of POCA.
- 14.2 Criminal conduct, in turn, is defined as conduct which:
- constitutes an offence in any part of the United Kingdom
 - or would constitute an offence in any part of the United Kingdom if it occurred there.
- This means that offences from which the proceeds of crime are generated are relevant for these purposes even if the principal offence was committed abroad, so long as the principal offence would also be a crime if it was committed in the United Kingdom.
- 14.3 A person benefits from conduct if he obtains property as a result of or in connection with the conduct. If a person benefits from criminal conduct, his or her benefit is the property obtained as a result of, or in connection with, the conduct. Property includes money, all forms of property, real (for example, land and buildings) or personal (for example, cars, furniture and clothing), inherited or moveable (for example, machinery and livestock), and intangible property (for example, trademarks, copyrights and patents). Property is obtained by a person if he obtains an interest in it. Property is 'criminal property' if it is a person's benefit from criminal conduct or it represents such benefit, either directly or indirectly, as long as the alleged offender knows or suspects that it constitutes or represents such a benefit.

- 14.4 If a person gains a pecuniary advantage as a result of, or in connection, with criminal conduct, he is to be taken to have obtained a sum of money equal to the value of the pecuniary advantage.
- 14.5 The principal money laundering offences specified within POCA criminalise a person's dealings with criminal property, subject to certain exceptions. The principal offences and the exceptions are discussed next.

15 Offences under the Proceeds of Crime Act 2002

- 15.1 The criminal offences of money laundering were first introduced in the United Kingdom in the Criminal Justice Act 1988 and the Drug Trafficking Offences Act 1986. POCA consolidated, updated and reformed the criminal law relating to money laundering to cover all criminal offences, including any dealing in criminal property.
- 15.2 POCA applies to everyone, although certain offences relating to the failure to report (except in relation to a nominated officer) and 'tipping off' only apply to those operating in the regulated sector. The businesses that fall within the regulated sector are specified in Schedule 9 to POCA, and include credit institutions, financial institutions, auditors, insolvency practitioners, external accountants, tax advisers, independent legal professionals, trust or company service providers, estate agents, high value dealers and casino operators.
- 15.3 POCA creates several principal offences that apply to everyone and criminalise any involvement in the proceeds of any crime if the person knows or suspects that the property is criminal. These offences relate to the concealing, disguising, converting, transferring, acquisition, use and possession of criminal property, as well as an arrangement which facilitates the acquisition, retention, use or control of criminal property. In respect of the gambling industry, this generally could involve the taking of cash, cheque or card payments in the form of a bet or wager, or holding money on account for a customer for the purposes of gambling.
- 15.4 Section 327 of POCA provides that a person commits an offence if he:
- conceals criminal property (for example, by depositing funds obtained through criminal activity into a gambling account)
 - disguises criminal property (for example, by placing funds obtained through criminal activity into a gambling account and then withdrawing them at a later date)
 - converts criminal property (for example, by placing bets in a gambling establishment and then cashing in the winnings)
 - transfers criminal property (for example, by transferring property to another person or to a gambling operator)
 - removes criminal property from the United Kingdom (for example, by taking his winnings overseas).

Concealing or disguising property includes concealing or disguising its nature, source, location, disposition, movement or ownership, or any rights with respect to it. Whilst 'converting' criminal property is not defined in POCA, it is suggested that this be

given its conventional legal meaning, that is that the 'converter' has dealt with the property in a manner inconsistent with the rights of the true owner of the property. For example, a criminal steals cash in a bank robbery and then uses that cash to open a gambling account and place bets.

- 15.5 Section 328 of POCA provides that a person commits an offence if he enters into or becomes concerned in an arrangement which he knows or suspects facilitates, by whatever means, the acquisition, retention, use or control of criminal property by or on behalf of another person. An example of this in the gambling industry would be for an operator knowingly to accept stakes that are the proceeds of criminal activity.
- 15.6 Section 329(1) of POCA provides that a person commits an offence if he:
- acquires criminal property
 - uses criminal property
 - has possession of criminal property (for example, via stakes).
- Acquisition, use and possession under section 329(1) includes, for example, when a person carries, holds or looks after criminal property or acquires criminal property for 'inadequate consideration'. This means when a person buys or exchanges something which is significantly below market value (inadequate consideration). However, a person does not commit such an offence if he acquired or used or had possession of the property for adequate consideration.
- 15.7 The principal money laundering offences are wide and can be committed by anyone, including employees of an operator, who have actual knowledge or suspicion that a customer is laundering money.
- 15.8 The offence of money laundering and the duty to report under POCA apply in relation to the proceeds of any criminal activity, wherever conducted, including abroad, that would constitute an offence if it took place in the United Kingdom. However, a person does not commit an offence where it is known or believed, on reasonable grounds, that the relevant criminal conduct occurred outside the United Kingdom and the relevant conduct was not criminal in the country where it took place and is not of a description prescribed by an order made by the Secretary of State.
- 15.9 The money laundering offences assume that a criminal offence has occurred in order to generate the criminal property which is now being laundered. This is often known as a predicate offence. No conviction for the predicate offence is necessary for a person to be prosecuted for a money laundering offence.
- 15.10 While POCA places responsibilities on operators, the legislation also gives them protection if they report suspicious activity. You will have a defence to the principal money laundering offences in sections 327, 328 or 329 of POCA if you:
- make an authorised disclosure under section 338 of POCA prior to the offence being committed and you obtain appropriate consent under section 335 of POCA (known as the consent defence)
 - intended to make an authorised disclosure but had a reasonable excuse for not doing so (known as the reasonable excuse defence).

Authorised disclosures and appropriate consent are discussed in Part 18 of this advice document.

- 15.11 The penalty for conviction of an offence under sections 327, 328 or 329 of POCA is imprisonment for a term of a maximum of 14 years, a fine not exceeding the statutory maximum, or both. In addition, POCA contains provisions for the recovery of the proceeds of crime, regardless of whether a conviction for any offence has been obtained or is intended to be obtained. Criminal property can be recoverable even if it is disposed of to another person.

16 Risk-based approach

Introduction

- 16.1 A risk-based approach involves a number of discrete steps to assess the most proportionate way to manage and mitigate the risks faced by the operator. These steps should include:
- identifying the money laundering risks that are relevant to the operator
 - designing and implementing policies and procedures to manage and mitigate the assessed risks
 - monitoring and improving the effective operation of these controls
 - recording what has been done, and why.
- 16.2 The possibility of gambling being used by criminals to assist in money laundering poses many risks for operators. These include criminal and regulatory sanctions for operators and their employees, civil action against the operator and damage to the reputation of the operator, leading to a loss of business.
- 16.3 Operators need to continually identify, assess and manage these risks, just like any other business risk. Operators should assess the level of risk in the context of how their business is structured and operated, and the controls in place to minimise the risks posed to their business by money launderers, including those engaged in criminal spend. **The risk-based approach means that operators focus their resources on the areas which represent the greatest risk. The benefits of this approach include a more efficient and effective use of resources, minimising compliance costs and the flexibility to respond to new risks as money laundering methods change.**
- 16.4 Most operators manage their commercial or business risks and measure the effectiveness of the policies and procedures they have put in place to manage those risks. A similar approach is appropriate to managing the operator's regulatory risks, including money laundering risks. Existing risk management systems should, therefore, address the regulatory and money laundering risks, or a separate system should be in place for that purpose. The detail and complexity of these systems will depend on the operator's size and the complexity of their business.

- 16.5 Even though operators outside the regulated sector (clarified in paragraph 15.2) are not obliged to have systems and procedures in place under money laundering legislation, the Commission would nonetheless expect AML systems and procedures to be in place in accordance with the relevant licence conditions and codes of practice. Also, POCA imposes obligations on all operators that must be satisfied, as a breach can constitute a criminal offence. Systems and procedures can assist operators in complying with these obligations, particularly in relation to reporting suspicious activity.
- 16.6 In order to detect customer activity that may be suspicious, it is necessary to continually monitor all transactions or activity. The monitoring of customer activity should be carried out using a risk-based approach. Higher risk customers should be subjected to a frequency and depth of scrutiny greater than may be appropriate for lower risk customers. This should not be confused with customers who are either of high or low commercial value to the operator.
- 16.7 Where a customer is assessed as presenting a higher risk it would be expected that additional information in respect of that customer is collected. This will help the operator to judge whether the higher risk that the customer is perceived to present is likely to materialise and provide grounds for proportionate and recorded decisions. Such additional information should include an understanding of where the customer's funds and wealth have come from. The need to 'know your customer' (KYC) is particularly relevant here. While the Commission recognises that some relationships with customers will be transient or temporary in nature, operators still need to give consideration to this issue.
- 16.8 Operators should satisfy themselves that the sources of information employed to carry out KYC checks are suitable to mitigate the full range of risks to which they might be exposed, and these would include money laundering and social responsibility risks. For example, local or open source information, such as press reports, may be particularly helpful in carrying out these checks.
- 16.9 Deciding that a customer presents a higher risk of money laundering does not automatically mean that the person is a criminal or is laundering money. Similarly, identifying a customer as having a low risk of money laundering does not mean that the customer is definitely not laundering money or engaging in criminal spend. Operators, therefore, need to remain vigilant and use their experience and common sense in applying their risk-based criteria and rules.
- 16.10 Commercial and business information should be considered for AML as well as social responsibility purposes when transacting with an individual. This should include arrangements for the monitoring of customers with whom a business relationship has been established. For example, information about customer spend can be used by the operator to proactively monitor high risk customers in relation to their money laundering risk.
- 16.11 **No system of checks will detect and prevent all money laundering activity. A risk-based approach will, however, serve to balance the burden placed on**

operators and their customers with a realistic assessment of the threat of the operator being involved, albeit unintentionally, in money laundering. It focuses the effort where it is most needed and will have the most impact. It is not a blanket, one size fits all approach, and therefore operators have a degree of flexibility in the methods they employ.

- 16.12 A risk-based approach requires the full commitment and support of senior management, and the active co-operation of all employees. It should be part of the operator's philosophy and be reflected in an operator's policies, procedures and controls. There needs to be clear communication of the policies and procedures to all employees, along with robust mechanisms to ensure that they are carried out effectively, weaknesses are identified and improvements are made, wherever necessary. Where the operator forms part of a larger group of companies there needs to be sufficient senior management oversight over the management of the risk.

Identifying and assessing the risks faced by the operator

- 16.13 The operator should assess its risks in the context of how it is most likely to be involved in money laundering and criminal spend. Assessment of risk is based on a number of questions, including:
- What risk is posed by the business profile and the profile of customers using the gambling facilities?
 - What risk is posed to the operator by transactions with business associates and suppliers, including their beneficial ownership and source of funds?
 - Is the business high volume, consisting of many low spending customers?
 - Is the business low volume with high spending customers?
 - Is the business a mixed portfolio, that is, customers are a mix of high spenders and lower spenders and/or a mix of regular and occasional customers?
 - Are procedures in place to monitor customer transactions across outlets, products and platforms and mitigate any money laundering potential?
 - Is the business local with regular and generally well known customers?
 - Are there a large proportion of overseas customers using foreign currency or overseas based bank cheques or debit cards?
 - Are customers likely to be engaged in a business which involves significant amounts of cash?
 - Are there likely to be situations where the source of funds cannot be easily established or explained by the customer?
 - Is the majority of business conducted through customer accounts or some other contractual arrangement?
 - Is there a local clustering of gambling outlets which makes it easier for a person to launder criminal proceeds over multiple venues and products?
 - Does the customer have multiple or continually changing sources of funds (for example, bank account, cash, etc.)?
 - Are patterns of play or a high spend profile linked to specific sporting events?
 - In relation to remote gaming, does the customer use shared internet protocol addresses (which could indicate that a group of people are using the same device or location to gamble for the purposes of committing fraud)?

- 16.14 Many customers carry a lower risk of money laundering. These might include customers who are regularly employed or who have a regular source of income from a known source which supports the activity being undertaken (this applies equally to pensioners, benefit recipients or to those whose income originates from their partner's employment or income).
- 16.15 Conversely, many customers carry a higher risk of money laundering. These may include known criminals, customers who are not regularly employed or who do not have a regular source of income from a known source which supports the level of activity being undertaken, or problem gamblers.

Examples

- A drug dealer, whose only legitimate source of income for ten years was state benefits, spent more than £1million in various gambling establishments over the course of two years, and lost some £200,000. All the transactions appeared to involve cash.
 - A grandparent with no previous gambling history, on a state pension, began to make weekly bets of about £100. Investigations later revealed that the grandparent was placing the bets on behalf of a grandson, a known criminal, and that the money spent was the proceeds of his criminal activity.
 - An individual was in receipt of state benefits with no other apparent form of income, but then gambled significant amounts through a licensed operator. Deposits of over £2million were made to an online gambling account over the course of about two years from a multiple of sources, such as debit card and credit card, and various e-money and e-wallet services. Investigations revealed that his gambling was funded by criminal activity.
 - Over an extended period of time, an individual who claimed to be a gambling addict stole equipment worth a substantial amount of money from his employer and resold it for his own gain. He then used most of these criminal proceeds to gamble, depositing almost £6million into an online gambling account and losing almost £5million, involving about 40,000 individual gambling transactions. The individual remained in employment throughout this period.
 - An individual 'feeding' dyed banknotes stolen in the course of an armed robbery into change machines within a wide range of gambling establishments.
 - Instances of money being put into Ticket In Ticket Out (TITO) machines with little actual gambling.
- 16.16 Operators are best placed to identify and mitigate risks involved in their business activity. A crucial element of this is to ensure that systems are in place to identify and link player activity, and for senior management to oversee risk management and determine whether their policies and procedures are effective in design and application.

Reliance on third parties to conduct risk assessment and management does not relieve the operator of its ultimate responsibility to assess and manage its own risks.

- 16.17 Money laundering risk assessment is not a one-off exercise. Operators should ensure that their policies and procedures for managing money laundering risks, including the detection of criminal spend, are kept under regular review. For example, industry innovation may expose operators to new risks and an appropriate assessment of the risk is recommended before implementing any new product, system, control, process or improvement.

17 Customer relationships

- 17.1 Operators should be mindful that some risk indicators (for example, a pattern of increasing spend or spend inconsistent with apparent source of income) could be indicative of money laundering, but also equally of problem gambling, or both. There may also be patterns of play (for example, chasing losses) that appear only to be indicative of problem gambling, but could also be considered as a proxy for other risks (for example, spend that is inconsistent with the individual's apparent legitimate income being associated with the proceeds of crime). While patterns of play may be one indicator of risk, operators should satisfy themselves that they have asked, or are prepared to ask, the necessary questions of customers when deciding whether to establish a business relationship, maintain the relationship or terminate the relationship. In summary, it is perfectly plausible that an individual attempting to spend criminal proceeds or launder money could also be a problem gambler, but one does not necessarily follow the other. The responsibility is on the operator to be in a position to understand these dynamics and mitigate any risks to the licensing objectives.
- 17.2 Operators are subject to both certain provisions of POCA and the Act (and the relevant licence conditions and codes of practice). Given, therefore, that operators have the responsibility to prevent gambling from being associated with crime and disorder and protecting vulnerable people from being harmed by gambling, they should carry out appropriate enquiries and assessments which help them in fulfilling that role. While the conclusions drawn and actions taken may differ according to whether money laundering and/or social responsibility risks are identified, the effective identification and management of these risks rests upon the ability of operators to have a comprehensive knowledge of their customer relationships and for managers to be clear on their responsibilities.
- 17.3 It is also important that the operator is able to resolve information relating to gambling activity in different parts of the business back to the same customer so that they have a more complete picture of the risks to which the operator is exposed.
- 17.4 Clearly customer relationships need to be managed proficiently and records maintained to provide information as to what was communicated to the customer, why and what considerations were made. The management of player expectations is one way in which the industry can obtain the assurances they require in a familiar and

efficient way and promote their commitment to safeguarding the interests of their customers. If players expect that customer interaction is likely should they play with large amounts of money, or for lengthy periods, and such interaction is consistently applied, there would be less reason for players to question or become suspicious of the motives of these interactions.

17.5 The Commission recognises that some operators may find their obligations under POCA challenging, particularly in relation to the management of customer relationships, but it is incumbent on operators to have policies and procedures in place to ensure that they comply with all relevant provisions of POCA (and the Act and the relevant licence conditions and codes of practice) in relation to the reporting of money laundering activity by customers, and obtaining appropriate consent where necessary.

17.6 Customer relationships consist of three aspects:

- the establishment of the business relationship with the customer
- the monitoring of customer activity, including account deposits and withdrawals
- the termination of the business relationship with the customer.

17.7 At all stages of the relationship it is necessary to consider whether the customer is engaging in money laundering, including criminal spend, report suspicious activity and seek appropriate consent, where necessary, as well as considering any risk to the licensing objectives.

Establishment of business relationship

17.8 The establishment of a business relationship with a customer will occur when the customer either:

- places a wager or bet with the operator using cash or cheque, or pays using a bank or similar card
- opens a gambling account with the operator
- places money on account with the operator.

17.9 When establishing a business relationship, operators will need to give consideration to the following:

- the potential risk posed by the customer
- whether it is necessary to do KYC or due diligence checks on the customer
- whether it is known or suspected that the customer may launder money, including criminal spend.

17.10 Where it is known that the customer is attempting to use the operator to launder criminal proceeds or for criminal spend, the operator should either not establish the business relationship, or terminate the business relationship at the earliest opportunity. In both circumstances, it is recommended that a SAR is submitted to the NCA and, where there are funds to be returned to the customer, seek appropriate consent.

Customer monitoring

- 17.11 Where, through their customer profile or known pattern of gambling activity, it is determined that the customer poses a risk of actual or potential money laundering, the operator should monitor the gambling activity of the customer and consider whether further due diligence measures are required. This should include a decision whether appropriate consent should be sought for future transactions, or whether the business relationship with the customer should be terminated where the risk of breaches of POCA are too high.
- 17.12 Operators should ensure that the arrangements that they have in place to monitor customers and the accounts they hold across outlets, products and platforms (remote and non-remote) are sufficient to manage the risks that the operator is exposed to. This should include the monitoring of account deposits and withdrawals. Those operators that rely heavily on gaming machines should also have practical systems in place to effectively monitor and reconcile customer spend on gaming machines. Any suspicious activity should be reported by means of a SAR.
- 17.13 Once knowledge or suspicion of criminal spend is linked to a customer in one area of the business (for example, over the counter bets), it is good practice to monitor the customer's activity in other areas of the business (for example, gaming machine play).
- 17.14 If the customer's patterns of gambling lead to a steadily increasing level of suspicion of money laundering, or to actual knowledge of money laundering, operators should seriously consider whether they wish to allow the customer to continue using their gaming facilities, otherwise they may potentially commit one of the principal money laundering offences.

Termination of business relationship

- 17.15 As already discussed, operators need to consider ending the business relationship with a customer in the following circumstances:
- where it is known that the customer is attempting to use the operator to launder criminal proceeds or for criminal spend
 - where the risk of breaches to POCA are considered by the operator to be too high where the customer's gambling activity leads to a steadily increasing level of suspicion, or actual knowledge of, money laundering, otherwise they may potentially commit one of the principal money laundering offences.
- 17.16 Where the operator terminates a business relationship with a customer and they know or suspect that the customer has engaged in money laundering, they should seek appropriate consent before paying out winnings or returning funds to the customer

18 Duties under the Proceeds of Crime Act 2002

18.1 POCA imposes duties on all operators to:

- disclose instances where operators know or suspect that another person is engaged in money laundering
- and make disclosures in the prescribed form and manner
- and obtain appropriate consent to do a prohibited act, where appropriate.

Authorised disclosures

- 18.2 If a person carries out any action contemplated under the principal offences discussed in paragraphs 15.3 to 15.6, the person can potentially commit one or more of the principal offences, except if an authorised disclosure is made prior to carrying out the action. The principal offences can be committed by any employee of the operator, except if a report is made to the NCA and, where applicable, appropriate consent is obtained from the NCA. These authorised disclosures or reports are referred to as SARs.
- 18.3 The NCA became operational in October 2013. The functions of the UKFIU are placed within the NCA. In addition, the NCA undertakes civil recovery and tax investigations in England, Wales and Northern Ireland. The NCA is a crime-fighting agency with national and international reach that works in partnership with other law enforcement organisations to reduce serious and organised crime.
- 18.4 The SAR regime for money laundering is run by the UKFIU. It receives and analyses SARs concerning instances of known or suspected money laundering or terrorist financing in order to counter money laundering and terrorist financing, and makes those SARs available to law enforcement and taxation agencies so they can take appropriate action.
- 18.5 In all instances where customers' funds are known or suspected of having criminal origins, a disclosure must be made to the NCA at the earliest opportunity using the methods set out on the NCA website: www.nationalcrimeagency.gov.uk.
- 18.6 Operators should have a system clearly setting out the requirements for making a disclosure. This system could include:
- the circumstances in which a disclosure is likely to be required
 - how and when information is to be provided to the person responsible for making reports to the NCA
 - resources which can be used to resolve difficult issues regarding a disclosure
 - how and when a disclosure is to be made to the NCA
 - how employees can manage a customer when a disclosure has been made and consent is awaited
 - the need to be alert to circumstances which could lead to charges of prejudicing an investigation.

Appointment of nominated officer

- 18.7 Whilst it is only incumbent upon those companies in the regulated sector (which, in the gambling industry, currently includes non-remote and remote casinos) to appoint nominated officers, it is recommended that operators in the non-regulated sector should also consider appointing a nominated officer, as this will help them meet their obligations under POCA more effectively. This can particularly assist in the reporting of suspicious activity to the NCA, as it is the nominated officer who will have this duty. The nominated officer can also give 'appropriate consent' to a transaction going ahead (this is discussed in more detail in paragraphs 18.39 and 18.41 below). **Employees will also have protection from prosecution because, so long as they report any known or suspected money laundering activity to the nominated officer (this is called 'internal disclosure'), they will have a defence to the principal offences under POCA, as the decision whether to report or not to report to the NCA and request appropriate consent is the sole responsibility of the nominated officer.**
- 18.8 In determining the status of the nominated officer and identifying the appropriate position for this officer within the overall organisational structure, operators need to ensure their independence within the business and that they have access to all relevant information to enable them to discharge their duties. Responsibilities will include objectively reviewing decisions and, on occasions, making recommendations that may conflict with, for instance, short term operational goals.
- 18.9 It is important to note, however, that the position of a nominated officer brings with it responsibilities and associated offences, if the nominated officer fails to take the required action, even though the operator may be outside the regulated sector. The responsibilities of the nominated officer and the associated offences are discussed below. Further details can be found in Part 7 of POCA.
- 18.10 Where the operator appoints a nominated officer, it may be appropriate for that individual to hold a Personal Management Licence issued by the Commission.
- 18.11 Where operators do not formally appoint a nominated officer, it is still advisable for a manager to take particular responsibility for complying with the operator's obligations under POCA. The appointment of an individual responsible for and well versed in identifying, assessing, monitoring and effectively managing money laundering risk in a comprehensive manner (proportionate to the scale and nature of the operator's activities), who can be held to account both within the operator and by external agencies is a practical and transparent solution.
- 18.12 The Commission recognises that some operators (particularly smaller operators) may have a structure in which the nominated officer will hold other roles and responsibilities. The Commission is content, for example, that the nominated officer may take on other compliance roles and responsibilities. However, this is subject to the key principles set out here, including the ability to report directly to the board (or the**

head of the organisation) and the NCA, and the ability to make AML decisions independently of operational concerns.

Role of nominated officer

- 18.13 The role of the nominated officer is to apply the same rigour in their approach to managing money laundering risk as the operator does in managing its commercial systems. The nominated officer should report to the board internally (or to the chief executive for small organisations), and direct to the NCA in relation to known or suspected money laundering activity (including criminal spend) and/or to request appropriate consent.
- 18.14 Where a nominated officer is appointed, he will normally be responsible for ensuring that, when appropriate, information or any other matter leading to knowledge or suspicion of money laundering is properly disclosed to the NCA. The decision to report or not to report suspicious activity is the personal responsibility of the nominated officer. The nominated officer must also liaise with the NCA or law enforcement agencies on the issue of whether to proceed with a transaction or what information may be disclosed to customers or third parties.
- 18.15 Where an operator has appointed a nominated officer, he will:
- receive internal disclosures under Part 7 of POCA
 - decide whether these disclosures should be reported to the NCA
 - if appropriate, make such external reports to the NCA
 - ensure that appropriate consent is applied for as necessary. The nominated officer should record all decisions made in this regard.
- 18.16 The nominated officer should be able to monitor the day-to-day operation of the operator's AML policies in general, including policies to deal with money laundering by customers, and respond promptly to any reasonable request for information made by the Commission or law enforcement bodies. The nominated officer is expected to take ultimate managerial responsibility for AML issues, but this does not diminish senior management responsibility for AML.
- 18.17 Where AML tasks are delegated by an operator's nominated officer to another employee, the nominated officer remains responsible for AML issues and he is likely to remain liable for the commission of any criminal offences relating to POCA. The Commission strongly recommends that, in such circumstances:
- the fact, date and time of any delegation be entered immediately in a written record
 - the delegate should counter-sign by way of acceptance of responsibility
 - all employees who need to be aware of the delegation should be notified immediately.

Suspicious activities and reporting

- 18.18 All operators are required to make a report in respect of information that comes to them within the course of their business:
- where they know

- or where they suspect, that a person is engaged in money laundering, including criminal spend, if they want to avoid committing one or more of the principal offences.
- 18.19 Operators will only need to consider making a report if they have actual knowledge or subjective suspicion.
- 18.20 In order to provide a framework within which SARs may be raised and considered:
- each operator should ensure that employees make reports to the operator's nominated officer (where one has been appointed), or an employee in a managerial capacity, where they know or suspect that a person or customer is engaged in money laundering
 - the nominated officer, or the manager, should consider each report, and determine whether it warrants the submission of a SAR
 - operators should ensure that employees are appropriately trained in their obligations, and the requirements for making reports to their nominated officer or manager.
- 18.21 If the nominated officer or manager determines that a report warrants the submission of a SAR, he must report the matter to the NCA. Under POCA, the nominated officer or manager is required to make a report to the NCA as soon as is practicable if he has grounds for suspicion that another person, whether or not that person is a customer, is engaged in money laundering.

What is meant by knowledge and suspicion?

- 18.22 In the context of POCA, knowledge means actual knowledge. Having knowledge means actually knowing something to be true. In a criminal court, it must be proved that the individual in fact knew that a person was engaged in money laundering. Knowledge can be inferred from the surrounding circumstances, so, for example, a failure to ask obvious questions may be relied upon by a jury to infer knowledge. The knowledge must, however, have come to the operator (or to an employee) in the course of business or (in the case of a nominated officer) as a consequence of a disclosure by another employee. Information that comes to the operator or employee in other circumstances does not come within the scope of the obligation to make a report. This does not preclude a report being made should the operator choose to do so, or be obliged to do so by other parts of POCA. Further information can be found in Part 7 of POCA.
- 18.23 In the case of *Da Silva* [2006] EWCA Crim 1654, the Court of Appeal stated the following in relation to suspicion:
"It seems to us that the essential element in the word 'suspect' and its affiliates, in this context, is that the defendant must think that there is a possibility, which is more than fanciful, that the relevant facts exist. A vague feeling of unease would not suffice."
There is thus no requirement for the suspicion to be clear or firmly based on specific facts, but there must be a degree of satisfaction, not necessarily amounting to belief, but at least extending beyond mere speculation, that an event has occurred or not.
- 18.24 Whether you hold suspicion or not is a subjective test. If you think a transaction is suspicious, you are not required to know the exact nature of the criminal offence or that the funds were definitely those arising from the crime. You may notice something unusual or unexpected and, after making enquiries, the facts do not seem normal or do not make

commercial or financial sense. You do not have to have evidence that the customer is using the proceeds of crime to have suspicion. Whether you have a suspicion is a matter for your own judgement. If you have not yet formed a suspicion but simply have cause for concern, you may choose to ask the customer or others more questions. This choice will depend on what you already know about the customer and how easy it is to make enquiries.

- 18.25 A transaction that appears to be unusual is not necessarily suspicious. Many customers will, for perfectly good reasons, have an erratic pattern of gambling transactions or account activity. Even customers with a steady and predictable gambling profile will have periodic transactions that are unusual for them. So an unusual transaction may only be the basis for further enquiry, which may in turn require judgement as to whether the transaction or activity is suspicious. A transaction or activity may not be suspicious at the time, but if suspicions are raised later, an obligation to report the activity then arises. Likewise, if concern escalates following further enquiries, it is reasonable to conclude that the transaction is suspicious and make a report to the NCA.
- 18.26 Unusual patterns of gambling by customers, including gambling involving unusually large amounts of money, should receive attention, but unusual patterns of behaviour should not necessarily lead to knowledge or suspicion of money laundering, or the submission of a report to the NCA. Nominated officers or managers assigned AML duties should assess all of the circumstances. In cases where it is feasible, it may be helpful to ask customers discretely for more information, such as why they have a large amount to spend.
- 18.27 In order for a SAR to be made, again it is not necessary to know or to establish the exact nature of any underlying criminal offence, or that the particular funds or property were definitely those arising from a crime. Furthermore, it is not necessary to await conviction of a customer for money laundering or other criminal offences in order to generate suspicion that money laundering has taken place.

What constitutes suspicious activity?

- 18.28 There are numerous things that can make someone either know or suspect that they are dealing with the proceeds of crime. Some examples of how suspicions may be raised are listed below, although this is not an exhaustive list and there may well be other circumstances which raise suspicion.

Examples

- A man convicted of dealing in drugs is released from prison and immediately starts gambling large amounts of money. He is known to be out of work and other customers inform employees that he is supplying drugs again. This will give rise to the suspicion that he is spending the proceeds of his criminal activity.
- Stakes wagered by a customer become unusually high or out of the ordinary and the customer is believed to be spending beyond his or her known means. This requires some knowledge of the customer but, nevertheless, there may be circumstances that appear very unusual and raise the suspicion that he is using money obtained unlawfully. It may be that the customer lives in low cost accommodation with no known source of income but nonetheless is spending money well above his or her apparent means. There is no set

amount which dictates when a SAR should be made and much will depend on what is known or suspected about the customer.

- A customer exhibits unusual gambling patterns with an almost guaranteed return or very little financial risk, including betting where the customer places bets on all possible outcomes of an event (sometimes across multiple operators). It is accepted that some customers prefer to gamble in this way but, in some instances, the actions may raise suspicion because they are different from the customer's normal gambling practices.
- Money is deposited by a customer or held over a period and withdrawn by the customer without being used for gambling. For instance, suspicions should be raised by any large amounts deposited in gaming machines or gambling accounts that are then cashed or withdrawn after very little game play or gambling.
- A customer regularly gambles large amounts of money and appears to find a level of losses acceptable. In this instance, the customer may be spending the proceeds of crime and sees the losses as an acceptable consequence of the process of laundering those proceeds.
- A customer's spend increases over a period of time, thereby masking high spend and potential money laundering.
- A customer spends little, but often, and his annual aggregate spend is high and out of kilter with his expected spend. This could indicate potential money laundering.
- A customer displays gambling patterns where spend is high but the risk is low, for example gambling on red and black in roulette, betting on events with only two possible outcomes (for example, tennis matches). The customer could be laundering money in a way that guarantees minimal loss.
- Instances of high spend by customers that lead to commercial risk for the operator may also indicate suspicious activity.

18.29 It is important to note that, once knowledge or suspicion of criminal spend is linked to a customer in one area of the business (for example, over the counter bets), it is good practice to monitor the customer's activity in other areas of the business (for example, gaming machine play).

Suspicious activity reports (SARs)

18.30 The operator or operator's nominated officer (where one has been appointed) must report to the NCA any transaction or activity that, after his evaluation, he knows or suspects may be linked to money laundering. A disclosure to the NCA is made by submitting a SAR to the UKFIU. Such reports must be made as soon as is reasonably practicable after the information comes to the operator or nominated officer.

18.31 The NCA accepts the submission of SARs in the following ways:

- SAR Online, which is a secure web-based reporting system for small or medium sized reporting entities with access to the internet, allowing SARs to be submitted electronically through <https://www.ukciu.gov.uk/saronline.aspx>. It is the NCA's preferred method of reporting. Reporters must register themselves as a source (reporting entity) on the system once, and then submit SARs by completing linked electronic screens that reflect the fields included in the paper based reports.

Consent requests can be submitted using SAR Online, and as long as the box for consent is checked at the start of the process; the system alerts the Consent Team automatically, ensuring swift identification and management of appropriate consent. It is not necessary to send a consent fax as well as a submission online.

SAR Online is the NCA's preferred method for small and medium sized reporters to submit SARs. The benefit to the reporter is 24/7 reporting, an automatic acknowledgment of receipt with the ELMER reference number, an initial feedback report on the quality of the SARs submitted after six months, and investigators are able to access the information more rapidly.

- Paper based reporting, using the standard NCA Suspicious Activity Report Form. The NCA prefers submissions to be typed to enable them to be scanned and prevent errors in data entry. The form and guidance on using the form is available from the NCA website at: www.nationalcrimeagency.gov.uk/aboutus/what-wedo/specialist-capabilities/ukfiu/how-to-report-sars.

Completed forms should be posted to UKFIU, PO Box 8000, London, SE11 5EN. If using the form to request appropriate consent, it should be faxed immediately to 0207 238 8286, but it is not necessary to post and fax a consent request.

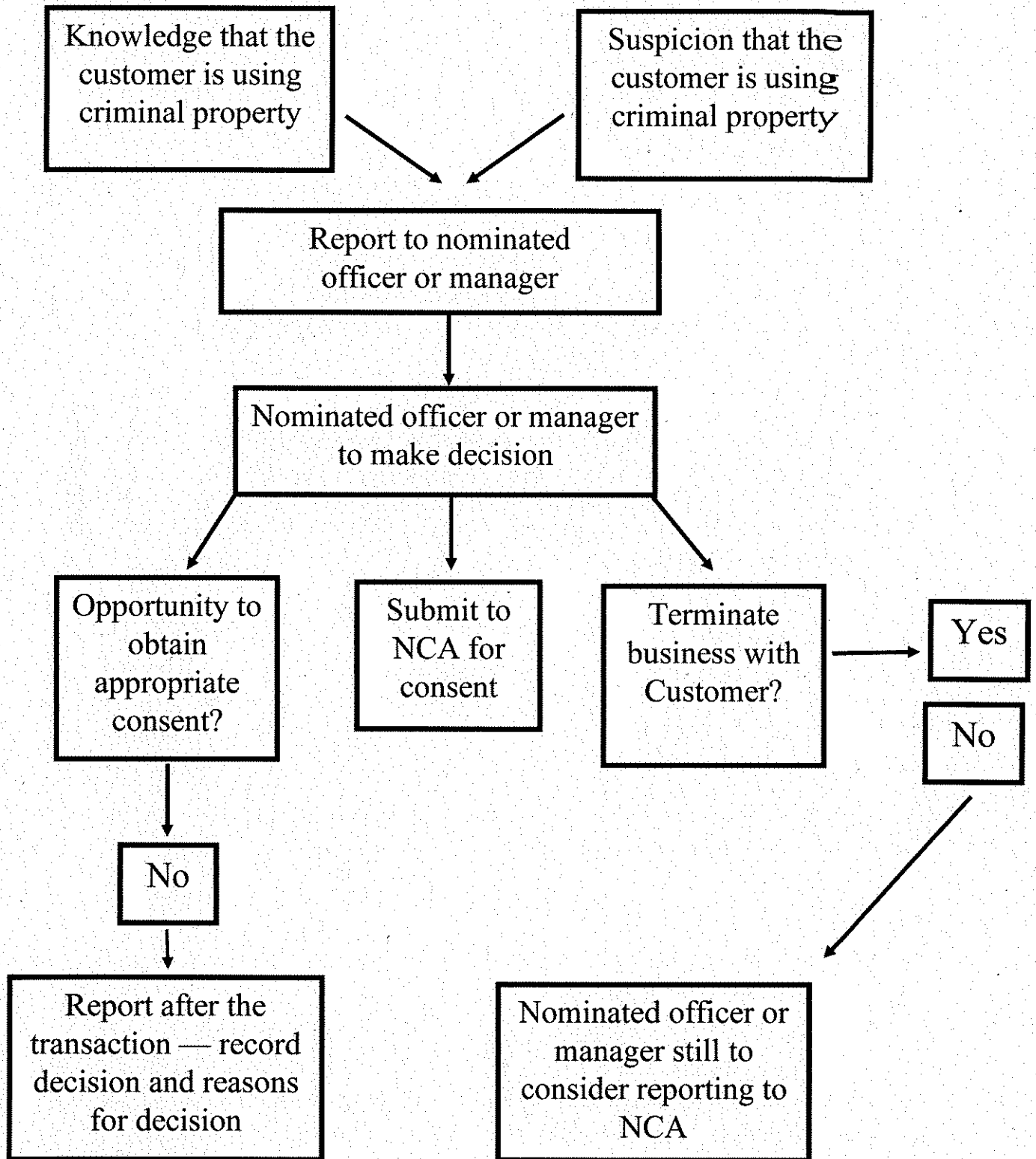
The paper based reporting system will not elicit an acknowledgment of receipt or an ELMER reference number for your records, and the SAR will take some time to reach investigators.

- 18.32 Operators should include in each SAR as much relevant information about the customer, transaction or activity that it has in its records. The NCA has published a glossary of terms which they prefer operators to use when completing SARs (www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialistcapabilities/ukfiu/howto-report-sars). This will assist in consideration of the report by the NCA.

- 18.33 Operators should ensure that they check all the facts they have about the customer and include all relevant information when submitting a SAR, which may include the following:
- Do the staff at the local outlet know the customer's identity?
 - Is a physical description of the customer available?
 - Has the customer provided any records that will assist in identifying him, for example credit or debit card details?
 - Has the customer ever self-excluded?
 - What are the customer's product preferences and does he hold other gambling accounts (for example, prefers over the counter betting, but also uses telephone and online gambling facilities)?

18.34 In order that an informed overview of the situation may be maintained, all contact between operators and law enforcement agencies should be controlled through, or reported back to, the nominated officer or a deputy acting in the absence of the nominated officer.

Figure 1: Knowledge or suspicion of money laundering (subjective test)



Appropriate consent

- 18.35 If operators handle any proceeds of crime, they may commit a principal money laundering offence. However, if the operator submits a SAR to the NCA, this can provide a defence. There is a statutory mechanism which allows the NCA either to grant or refuse the 'prohibited act' going ahead, or to prevent the suspected money laundering going ahead. This statutory mechanism is called 'appropriate consent'.
- 18.36 The decision whether or not to obtain appropriate consent will arise in the following scenarios:
- concealing, disguising, converting, transferring or removing criminal property
 - facilitating the acquisition, retention, use or control of criminal property by, or on behalf of, another person
 - acquisition, use or possession of criminal property. These are referred to as "prohibited acts".
- 18.37 In any of these scenarios, operators will have two choices. They may choose not to go ahead with the activity in question, or they may choose to proceed. A decision to proceed will mean that the operator may be committing a money laundering offence. However, if they have made an authorised disclosure and have obtained appropriate consent, they will not be committing an offence.
- 18.38 Operators will, therefore, need to consider how they will approach their reporting obligations and consider:
- the timing of the report(s) – particularly second or subsequent reports; and
 - whether the operator wishes to continue to do business with the customer while awaiting appropriate consent.
- 18.39 A nominated officer (where one has been appointed by the operator), police constable, employee of the NCA or customs officer can give a person (which may include employees of the operator) actual 'appropriate consent' to a suspect transaction proceeding. However, it should be noted that the NCA is the only body able to issue formal notification of consent by means of an official NCA letter, which can then be retained by the operator for their records.
- 18.40 Alternatively, such a person will be treated as having the appropriate consent if notice is given to a police constable or customs officer (but, note, not the nominated officer) and either:
- consent is not refused within seven working days (beginning with the day after the notice is given); or
 - if consent is refused and following such refusal, the 'moratorium period' (31 calendar days starting with the day on which the person receives notice that consent to the doing of the act is refused) has expired.

Although notice can be given to a constable or customs officer, there is a need to ensure that the practices of all law enforcement agencies are consistent in this area. Therefore, the NCA operates as the national centre for all SARs and for the issue of decisions concerning the granting or refusal of appropriate consent. To avoid confusion requests for consent should be routed through the NCA. See paragraph 18.53 for more detail.

- 18.41 However, POCA provides that a nominated officer must not give the appropriate consent unless he has himself already made a disclosure to an authorised officer of the NCA and, either:
- the NCA employee has consented to the transaction; or
 - consent is not refused within seven working days (beginning with the day after the notice is given); or
 - if consent is refused and following such refusal, the 'moratorium period' (31 calendar days starting with the day on which the person receives notice that consent to the doing of the act is refused) has expired.
- 18.42 Reporting suspicious activity before or reporting after the event are not equal options which an operator can choose between, and retrospective reporting is unlikely to be seen in the same light as reporting prior to the event. A report made after money laundering has already taken place will only be a legal defence if there was a 'reasonable excuse' for failing to make the report before the money laundering took place.²⁵ Where a customer instruction is received prior to a transaction or activity taking place, or arrangements being put in place (for example, where a customer requests the opening of a gambling account), and there is knowledge or suspicion that the transaction, arrangements, or the funds/property involved, may relate to money laundering, a SAR must be submitted to the NCA and consent sought to proceed with that transaction or activity. In such circumstances, it is an offence for a nominated officer to consent to a transaction or activity going ahead within the seven working day notice period calculated from the working day following the date of disclosure, unless the NCA gives consent.
- 18.43 In the gambling industry, business is often conducted out of normal office hours. In addition, gambling transactions may sometimes be more 'immediate' than, for example, depositing funds into a bank account where the funds may be withdrawn at a later date. In these circumstances it may sometimes not be feasible or practical to obtain appropriate consent prior to or during a transaction. Knowledge or suspicion of money laundering may be triggered after a customer has completed all the stages of a gambling transaction. Under those circumstances it may be reasonable to report after the transaction. However, it should be noted that the defence of 'reasonable excuse' when reporting after the transaction is currently untested by case law and should be considered on a case-by-case basis. Where the relationship with the customer is expected to have an element of duration and involve numerous transactions, it is advisable to seek consent prior to transacting with the customer.
- 18.44 Where there is knowledge or suspicion of money laundering, particularly if this occurs out of normal office hours, there must be a mechanism for involvement of the senior manager on duty and contact with the nominated officer (where one has been appointed) as soon as is practicable. In circumstances where this is not possible, it is advisable to report the matter to the NCA directly, where feasible.
- 18.45 Operators or nominated officers will need to think very carefully about the risks if they decide to continue to do business with a customer suspected of money laundering. Relevant considerations should be the potential for criminal offences under POCA, as well as potential damage to business reputation and other commercial factors.

- 18.46 Operators should also note that the reporting defence is not intended to be used repeatedly in relation to the same customer. In the case of repeated SAR submissions on the same customer, it is the Commission's view that this is not a route by which operators can guarantee a reporting defence retrospectively. If patterns of gambling lead to a steadily increasing level of suspicion of money laundering or to actual knowledge of money laundering, operators will need to seriously consider whether they wish to allow the customer to continue using their gambling facilities. Operators are, of course, free to terminate their business relationships if they wish and, provided this is handled appropriately, there should be no risk of prejudicing an investigation. However, operators should think about liaising with the law enforcement investigating officer to consider whether it is likely that termination of the business relationship would alert the customer or prejudice an investigation in any other way.
- 18.47 How customers suspected of money laundering will be dealt with is an important area of risk management for all operators. Operators should deal with the issue in their policies and procedures and, as all gambling operators are at risk of committing the principal offences, it is advisable for operators to consider these issues carefully before they arise in practice.
- 18.48 For example, the operator may consider one transaction to be suspicious and reports it to the NCA as such, but the operator may be less concerned that all of an individual's future transactions are suspicious. In these circumstances, each transaction should be considered on a case-by-case basis and reports made accordingly and appropriate consent sought, where necessary. Where subsequent reports are also made after prohibited acts appear to have taken place, operators are encouraged to keep records about why reporting was delayed, and about why appropriate consent was not requested before the suspected money laundering took place.

Applying for appropriate consent

- 18.49 Where SAR Online is used and appropriate consent is needed, this can be done by checking the box requesting consent. Alternatively, requests can be faxed to the NCA UKFIU Consent Desk (see the NCA website www.nationalcrimeagency.gov.uk). You are advised to make it explicit in your report that you are seeking consent from the NCA.
- 18.50 The SAR requesting appropriate consent should set out:
- the information or other matter which provides the grounds for your knowledge, suspicion or belief
 - a description of the property that you know, suspect or believe is criminal property
 - a description of the prohibited act for which you are seeking consent to carry out.
- 18.51 The UKFIU Consent Desk will apply the criteria set out in the Home Office Circular 029/2008 Proceeds of Crime Act 2002: Obligations to report money laundering – the consent regime to each request for consent, carry out the necessary internal enquiries, and will contact the appropriate law enforcement agency, where necessary, for a consent recommendation. Once the NCA's decision has been reached, the disclosing operator will be informed of the decision by telephone, and be given a consent number, which

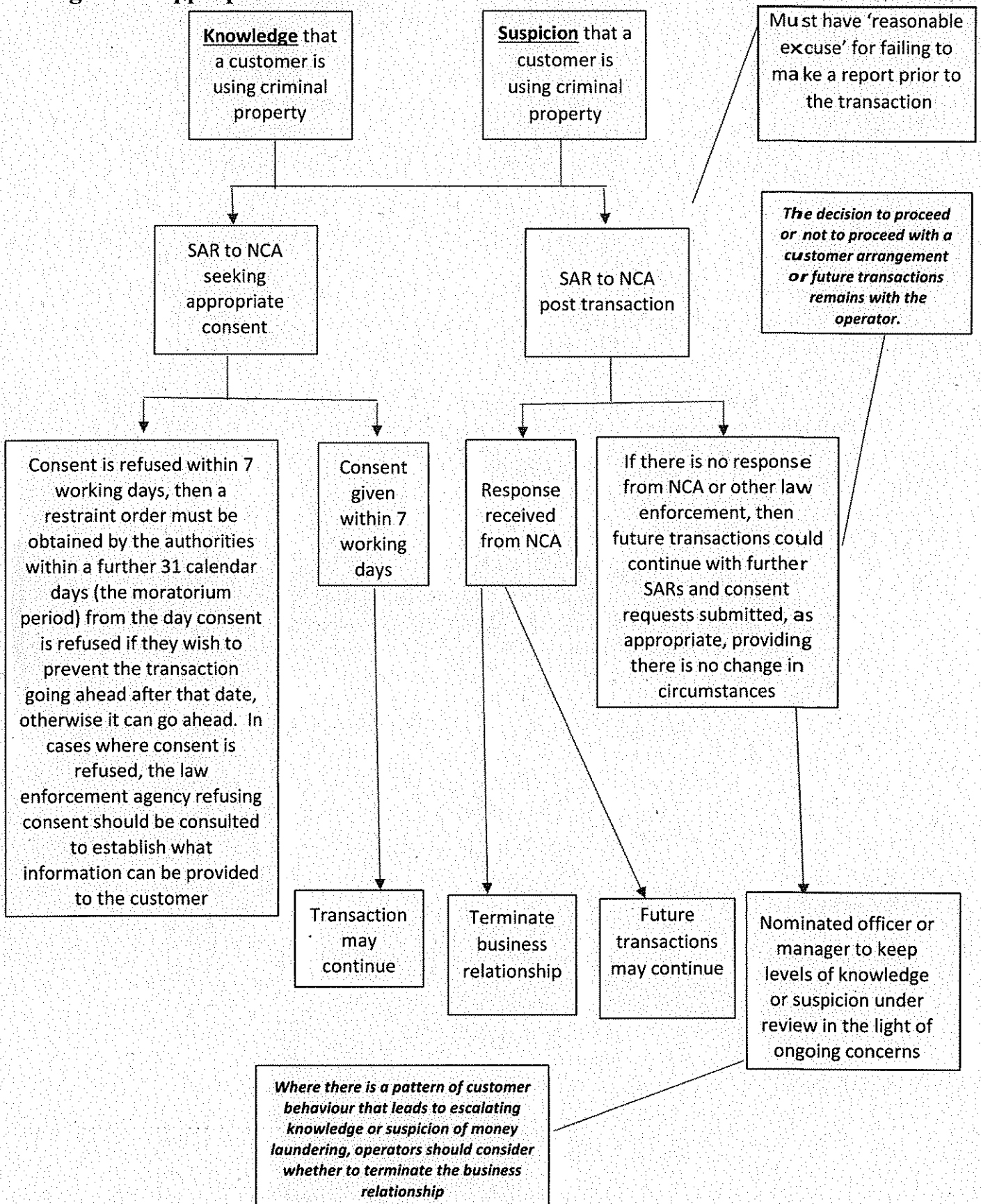
should be recorded, along with the operator's record of decisions made. A formal consent letter from the NCA will follow.

- 18.52 Home Office Circular 029/2008 contains guidance on the operation of the consent regime in POCA. It was issued to ensure consistency of practice on the part of law enforcement in considering requests for consent under Part 7 of POCA. This was in response to concerns from the financial services industry and other sectors and professions that decisions should be taken in an effective and proportionate way, with due engagement with all participants. The circular was formulated in agreement with key partner agencies and sets out the high level principles by which the law enforcement agencies should make decisions on consent, and how these principles should be applied.
- 18.53 Although POCA provides that consent can be granted by a constable (which includes authorised NCA officers) or a customs officer, there is a need to ensure that the practices of all law enforcement agencies are consistent in this area. Therefore, as a result of the circular, the NCA operates as the national centre for all authorised disclosures and also for the issue of decisions concerning the granting or refusal of consent. To avoid confusion those making requests for consent should route requests through the NCA. The decision making process will consist of a collaborative effort between the NCA and the other law enforcement agencies, with the latter providing a recommendation to the NCA. While the final decision will be taken by the NCA, in most cases it is likely to be based largely on the recommendation provided by the interested law enforcement agency.
- 18.54 All requests for consent are dealt with by the NCA on a case-by-case basis. It may take the maximum of seven working days to deal with a consent request, however, in most cases the NCA is able to respond to requests for consent within three days. Operators should take this into account when deciding whether it is practical and reasonable to request consent prior to the transaction rather than making a report after the transaction or activity.
- 18.55 In the event that the NCA does not refuse consent within seven working days (the notice period) following the working day after the report is made, the operator may continue to transact with the customer. However, if consent is refused within that period, the NCA can prevent the transaction or activity for a further 31 calendar days (the moratorium period) from the day consent is refused.
- 18.56 Once a matter has been appropriately reported to the NCA, the decision to proceed or not with a transaction or arrangement remains with the operator. Even if consent is obtained from the NCA, the operator is not obliged to proceed with the transaction or arrangement.
- 18.57 Operators should note that consent only applies in relation to individual prohibited acts. Any subsequent activity will require separate consideration and, if necessary, separate consent from the NCA. Where a single money laundering offence consists of a course of conduct, the NCA may give consent for a series of similar transactions over a specified period. In cases where there is a range of different money laundering offences that may be committed, such as acquiring (section 329(1)(a) of POCA) and transferring (section

327(1)(d) of POCA) criminal property, the NCA may give a single consent to that person being concerned in an arrangement to facilitate acquisition and use under section 328(1) of POCA.

- 18.58 The NCA's ability to grant consent in such circumstances will depend on having sufficient detail about the future course of activity or repeated transactions in order to make an informed decision. This is considered on a case-by-case basis. It is not possible for the NCA to give 'blanket' consent for a reporter to carry out all activity and transactions on a suspicious account, individual or arrangement.
- 18.59 The NCA cannot give advice to operators in relation to the specific circumstances where SARs should be submitted or the terms for requesting appropriate consent. Comprehensive guidance on consent requests is available on the NCA's website. Attention is drawn, in particular, to the following NCA publications: Obtaining consent from the NCA under Part 7 of the Proceeds of Crime Act (POCA) 2002 or under Part III of the Terrorism Act (TACT) 2000 and Seeking Consent for Repeated Transactions.

Figure 2: Appropriate consent



19. Failing to report (nominated officer)

- 19.1 POCA creates an offence of failing to report suspicious activity. Where a person nominated by the operator to receive disclosures (the nominated officer) fails to comply with the obligation to make a report to the NCA as soon as practicable after the information is received, they are open to criminal prosecution. The criminal sanction under POCA is a prison term of up to five years and/or a fine.
- 19.2 For all failure to disclose offences it will be necessary to prove that the nominated officer either:
- knows the identity of the money launderer or the whereabouts of the laundered property
 - or believes the information on which the suspicion was based may assist in identifying the money launderer or the whereabouts of the laundered property.
- 19.3 Operators and nominated officers, therefore, are strongly advised to comply with the reporting requirements imposed on them by POCA.

20 After a report has been made

- 20.1 When an enquiry is under investigation, the investigating officer may contact the operator to ensure that he has all the relevant information which supports the original SAR. This contact may also include seeking supplementary information or documentation from the operator and from other sources by way of a court order.
- 20.2 The investigating officer will therefore work closely with the operator, who will usually receive direct feedback on the stage reached in the investigation. There may, however, be cases when the operator cannot be informed of the state of the investigation, either because of the confidential nature of the enquiry, or because the case is currently under consideration by the courts.

21 Prejudicing an investigation

- 21.1.1 Under section 342 of POCA, a person commits an offence if he:
- knows or suspects that an appropriate officer or, in Scotland, a proper person is acting or proposing to act) in connection with a confiscation investigation, a civil recovery investigation, a detained cash investigation or a money laundering investigation which is being or is about to be conducted, and
 - he makes a disclosure which is likely to prejudice the investigation, or
 - falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, documents which are relevant to the investigation.
- 21.1.2 It is, however, a defence if the person does not know or suspect that disclosure of the information is likely to prejudice the investigation, if the disclosure is made in compliance with

other provisions of POCA or similar enactments, or if the person does not know or suspect that the documents are relevant to the investigation or the person does not intend to conceal any facts disclosed by the documents. The offence can be committed before or after a disclosure has been made.

21.2 Those working in the gambling sector should be aware of the provisions in relation to this offence. Reasonable enquiries of a customer, including social responsibility enquiries, conducted in a tactful manner, regarding the background to a transaction or activity that is inconsistent with the normal pattern of activity should not result in the offence of prejudicing an investigation, unless you know or suspect that an investigation is current or impending and, critically, make the enquiries in a way that it discloses those facts.

21.3 It is important to note that the offence of prejudicing an investigation is not the same as the 'tipping off' offence. The tipping off provisions are directed at the individual employed in the regulated sector (non-remote and remote casinos) who knows or suspects that a disclosure has been made, whereas the offence of prejudicing an investigation relates to any individual regarding the disclosure of the knowledge of the existence of an investigation which could prejudice the investigation.

Customer interaction

21.4 Normal customer enquiries will not, in our opinion, amount to prejudicing an investigation under POCA, unless you know or suspect that a SAR has already been submitted and that an investigation is current or impending and make the enquiries of the customer in a way that it discloses those facts. Indeed, such customer enquiries are likely to be necessary not only in relation to money laundering but also in connection with social responsibility duties (for example, problem gambling). In regard to this offence, counter or frontline staff may not be aware that the nominated officer has submitted a SAR to the NCA. Reasonable and tactful enquiries regarding the background to a transaction or activity that is inconsistent with the customer's normal pattern of activity is good practice, forms an integral part of KYC/customer due diligence measures (and may be driven by social responsibility concerns) and should not give rise to the prejudicing of an investigation.

21.5 If patterns of gambling lead to a steadily increasing level of suspicion of money laundering, or even to actual knowledge of money laundering, operators should seriously consider whether they wish to allow the customer to continue using their gaming facilities. If an operator wishes to terminate a customer relationship, and provided this is handled sensitively, there will be low risk of prejudicing an investigation. However, if the decision has been made to terminate the relationship and there is a remaining suspicion of money laundering with funds to repatriate, consideration should be given to asking for appropriate consent.

21.6 In circumstances where law enforcement agencies request operators to continue trading with a customer as they conduct further investigations, the operator is advised to record the factors considered when agreeing or declining to do so (for example, the risks of participating in such activity, assurances provided by law enforcement, possible money laundering offences, etc.), and how this may change the management of risks to the licensing objectives. Given the operator's heightened exposure to risk, it is advisable for the operator to

ask for confirmation in writing of such requests from law enforcement. The operator should also continue to submit SARs and/or seek consent if they decide to persist with a business relationship with such customers.

22 Training

- 22.1 All operators should consider awareness training for all relevant employees so that they have an understanding of what obligations are placed upon them and what action they must take to ensure that details are forwarded to and considered immediately by the nominated officer, manager or other employee responsible for making reports to the NCA. In the case of solo operators or operators without specific AML employees, advice is always available on the NCA website.
- 22.2 One of the most important controls over the detection and prevention of money laundering is for an operator to have employees who are alert to the risks and who are well trained in the identification of unusual activities or transactions which may prove to be suspicious. The effective application of even the best-designed control systems can be quickly compromised if the employees applying those systems are not adequately trained. The effectiveness of the training will therefore be important to the overall success of the operator's AML strategy.
- 22.3 Under POCA, individual employees face potential criminal penalties if they are involved in money laundering activity, unless they make a report of known or suspected money laundering activity. It is important, therefore, that employees are made aware of their legal obligations and how to correctly discharge them.
- 22.4 Operators should devise and implement a clear and well-articulated policy and procedure for ensuring that relevant employees are aware of their legal obligations in respect of POCA. They should also provide employees with regular training in the identification and reporting of customer activity that gives grounds for suspecting money laundering.
- 22.5 Operators should also take reasonable steps to ensure that relevant employees are aware of:
- their responsibilities under the operator's policies and procedures for the detection and prevention of money laundering
 - the money laundering risks faced by an operator
 - the operator's procedures for managing those risks
 - the identity and responsibilities of the nominated officer (where one has been appointed) or the person responsible for making reports to the NCA
 - the potential effect of a breach of POCA on the operator and its employees.
- 22.6 The content of any employee training, the frequency of training and the assessment of competence following training are matters for each operator to assess and decide in the light of the money laundering risks they identify. The Commission advises that such issues are covered in each operator's policies and procedures.

- 22.7 Where a nominated officer has been appointed, he should be actively involved in devising and managing the delivery of the training, taking particular care to ensure that systems are in place to cover all part-time or casual employees.
- 22.8 The NCA publishes a range of material at www.nationalcrimeagency.gov.uk, such as threat assessments and risk profiles, of which operators may wish to make their employees aware. The information on the NCA website could usefully be incorporated into operators' training materials. In addition, the Association of British Bookmakers (www.abb.uk.com) has published useful guidelines on POCA and these can be obtained from them directly.
- 22.9 It is also recommended that operators consult the Commission's AML webpage, which has useful information and links to other AML resources. This can be found at: www.gamblingcommission.gov.uk/money_laundering

Appendix A - Glossary of terms

AML	Anti-money laundering.
Beneficial ownership	Beneficial ownership is enjoyed by anyone who has the benefits of ownership of property, but does not apparently own the asset itself.
Business relationship	A business, professional or commercial relationship between an operator and a customer, which is expected to have an element of duration.
Business-to-business	A term used to describe commerce transactions between businesses, or the exchange of products, services or information between businesses. In other words, it is business which is conducted between firms, rather than between firms and consumers (or customers).
Criminal spend	In the context of gambling, the use of the proceeds of crime to fund gambling as a leisure activity (otherwise known as lifestyle spend).
Money laundering	The process by which criminal or 'dirty' money is legitimised or made 'clean', including any action taken to conceal, arrange, use or possess the proceeds of any criminal conduct.
Operators	Firms holding an operating licence issued by the Commission.
POCA	The Proceeds of Crime Act 2002, which is intended to reduce money laundering and the profitability of organised crime through the use of tools such as asset recovery.
Proceeds of crime	Property from which a person benefits directly or indirectly, by being party to criminal activity, for example stolen money, money from drug dealing or property stolen in a burglary or robbery.
SAR	A suspicious activity report - the means by which suspicious activity relating to possible money laundering or the financing of terrorism is reported to the NCA under POCA.
Source of funds	Where the funds or wealth to finance the transaction come from.
The Commission	The Gambling Commission.

The NCA

The National Crime Agency, which became operational in October 2013. It is a crime-fighting agency with national and international reach that works in partnership with other law enforcement organisations to cut serious and organised crime. The NCA is the organisation to which suspicious activity is reported.

UKFIU

The United Kingdom Financial Intelligence Unit, which is the unit within the NCA that operates the disclosure and consent regime for money laundering.

Appendix B - Example of a risk assessment model

Customer Base

It is accepted that the customer base in both AGCs and LicFECs is wide ranging, to a degree unpredictable and variable in demographic terms as to where a venue is located.

However, it is helpful to assess using operating experience, trends and averages.

‘A’ – Very Low Risk

‘B’ - Low Risk

‘C’ – Medium Risk

Business Profile		A	B	C
Factor	Risk Management/Mitigation			
What risk is posed by the business profile of customers using the gambling facilities?	Customers are efficiently monitored throughout the time they are on the premises to satisfy age restriction requirements, prevention of machine related crime, effective customer interaction, and the detection of self-excluders We apply the same approach in order to be alert to suspicious monetary transactions.	√		
What style(s) of gambling is provided to customers?	Solely confined to the provision of gaming machines.		√	
What categories of gambling products are provided to customers?	Categories D, C and B3		√	
Is the business high or low volume?	High volume		√	

Do gambling products pay out low or high stake prizes?	Low stake ranging from 10p to £2. An enhanced level of diligence is applied to monitoring customers gambling on B3 machines on £2 maximum stakes		√	
What risk is posed by transactions with business associates and suppliers?	The Company takes responsibility for third parties with whom it contracts for the provision of any aspect of the business as if they are bound by the same licence conditions and codes of practice.	√		
How is payment delivered to customers and in what form?	Category D and C machines operate solely using cash either in the form of coins or notes. Category B3 operate by the method of TITO with in-built software protection to identify suspicious activity and alert staff.		√	
Location of the gambling venue. Are there any local factors that might have a bearing on risk?	The venue is located in a typical high Street location where the level of crime is in line with national averages. The company maintains a good relationship with local police to keep abreast of current crime trends and perpetrators. The company is registered to receive crime bulletins from bacta		√	
Customers that might pose a risk				
Factor	Appropriate Risk Management/Mitigation	A	B	C
Do new customers stake large amounts of money over short periods of time?	This style of gambling is considered very unlikely to occur and certainly not in line with the gambling products we offer to customers. Should such activity be detected it would be the subject of reporting	√		

<p>Do the majority of customers live and/or work local to the venue?</p>	<p>This company provides a service predominantly to local residents and workers – it is assessed that 90% of our customers are well known to staff with new customers being subject to closer scrutiny</p>	<p>√</p>		
<p>Are any customers involved in a business that handles large amounts of cash?</p>	<p>Local traders operating legitimate businesses in the locality are an element of our customer base but activity does not suggest any heightened risk</p>	<p>√</p>		
<p>Are any customers known to have criminal backgrounds or association with the criminal fraternity?</p>	<p>Very occasionally, customer interaction will provide knowledge of criminal background and/or association leading to closer scrutiny and monitoring of such customers. Our business is not conducive to attracting the criminal fraternity outside of the norm experienced by other licensees.</p>		<p>√</p>	
<p>Reluctant to give you identification, or identification that isn't satisfactory?</p>	<p>Our staff are well versed in the practice of asking customers for satisfactory proof of ID in order to satisfy other requirements such as compliance with age restriction and self-exclusion. We would treat anyone reluctant in providing identification with suspicion that would trigger further investigation.</p>		<p>√</p>	
<p>Loading change machines or TITO machines with cash but gambling minimal amounts</p>	<p>Regarded as low risk and outside our operating experience. However, it is recognised that both facilities have risk potential. Customers using change machines are subject to the same degree of close scrutiny and TITO products operate under industry best practice with software identifying suspicious activity and alerting staff to interact with customers should instances be identified.</p>		<p>√</p>	
<p><i>Spare</i></p>				

Useful Links

National Crime Agency (NCA) - Suspicious Activity Reports (SARs):

<http://www.nationalcrimeagency.gov.uk/contact-us/reporting-suspicious-activity-sar>

National Crime Agency (NCA) – Suspicious Activity Report (SAR) Online System

[https://www.ukciu.gov.uk/\(ero0v5550ikzu355oj4qvbiz\)/saronline.aspx](https://www.ukciu.gov.uk/(ero0v5550ikzu355oj4qvbiz)/saronline.aspx)

National Crime Agency (NCA) - Guidance on submitting better quality Suspicious Activity Reports (SARs)

<http://nationalcrimeagency.gov.uk/publications/732-guidance-on-submitting-better-qualitysars/file>

UKFIU guidance of the revised glossary codes and the reporting routes

<http://www.nationalcrimeagency.gov.uk/publications/725-sar-glossary-code-and-reportingroutes/file>

Money Laundering Regulations: report suspicious activities:

<https://www.gov.uk/guidance/money-laundering-regulations-report-suspicious-activities>

Gambling Commission - latest anti-money laundering news:

<http://www.gamblingcommission.gov.uk/Gambling-sectors/AML/Latest-anti-money-laundering-news.aspx>

APPENDIX 9

From: Emma Lonsdale [REDACTED]
Sent: Wednesday, 03 January 2024 18:52
To: Licensing <licensing@middlesbrough.gov.uk>
Subject: OBJECTION TO GAMBLING LICENSED

You don't often get email from [REDACTED]. [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Dear MBC

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Coulby Newham within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

I am objecting on the basis that it is not fitting with the purpose of the centre which serves not only as a shopping venue but a family and community meeting place. There is also fair access to gambling machines at the bookies outside of the centre, parkway social club and Lingfield Farm pub. The negative public health impact out weighs any perceived benefit the council may have.

I have also been gathering signatures and views of a further 345 residents with little promotion. I am certain with a further public campaign there would be many more.

They can be found here <https://chnq.it/S4MmsVntdy>

Please consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities.

Many thanks,
Emma Lonsdale

[REDACTED]
[REDACTED]
Sent from my iPhone

Petition details Comments



Prevent the Establishment of a Gambling Premises in Coulby Newham

Started 12 December 2023

346

Signatures

500

Next Goal

Support now

Sign this petition

Why this petition matters

Started by **Emma Lonsdale**

I am a resident of Coulby Newham, Middlesbrough, and I have seen firsthand the devastating impacts of gambling. It destroys lives and takes money from the pockets of

those most vulnerable in our society. Our community is at risk with the proposed opening of a new gambling premises.

Gambling addiction is not just an individual problem; it affects families, relationships, and communities. According to UK Gambling Commission statistics, over 2 million people in the UK are either problem gamblers or at risk of addiction (UKGC Report 2018). These numbers are alarming and demonstrate that we must take action to prevent further harm.

The establishment of another gambling premises will only exacerbate these issues within our community. We need to focus on providing support for those already affected by this issue rather than creating more opportunities for addiction.

We urge local authorities to consider these concerns seriously when making their decision about this proposed establishment. Let's protect our community from further harm caused by gambling establishments.

Please sign this petition if you believe in safeguarding our community from potential damage caused by increased access to gambling facilities.

[Report a policy violation](#)

From: angela brookmyre [REDACTED]
Sent: Tuesday, December 12, 2023 3:44 PM
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Parkway Centre licensing application

You don't often get email from [REDACTED] [Learn why this is important](#)

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Dear Sirs

I notice that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Coulby Newham within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

A gambling establishment attracts anti social behaviour and makes a profit from the vulnerable.

I have a young child and don't want her to see this activity normalised in her community.

I may have missed, but, were the community consulted about this? Is this the only type of business the parkway attracts or the only type that can afford the rent?

Please would you consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities.

Many thanks,

Angela Brookmyre
[REDACTED]

-----Original Message-----

From: Abbie Keogh [REDACTED]
Sent: Tuesday, December 12, 2023 7:15 PM
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Parkway Centre

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Hello,

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TSB QJT.

I live in Coulby Newham within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

The reason being there is enough poverty in the area without adding more temptation to others gambling addictions as well as a betting shop already located outside the centre towards the bus stops.

Please would you consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities.

Many thanks,
Abigail Cronin
[REDACTED]
[REDACTED]

From: Bernadette Foley [REDACTED]
Sent: Wednesday, 06 December 2023 18:13
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Objection to Adult Gaming Parkway Centre

You don't often get email from [REDACTED] [Learn why this is important](#)

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

I am writing to object to the Adult Gaming in Parkway Centre at Coulby Newham. There are already 2 betting shops there and having this additional place will not reflect well for the local community. Nor will it help people or their families who are addicted to gambling.

The shopping centre is not a suitable environment for this type of establishment as it is used by families and children. Does the council really want to encourage gambling in what is a family environment?

Please accept this email as My objection to this.

Thank you
Regards
Bernadette Foley.

APPROX 13

From: Dominique Bendelow-Chilver [REDACTED]
Sent: Tuesday, December 12, 2023 3:33 PM
To: Licensing <licensing@middlesbrough.gov.uk>
Subject:

You don't often get email from [REDACTED]. [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Hi,

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Hemlington within easy walking distance of the Parkway Centre and I shop there at least 5 days a week as well as regularly hiring stalls in the centre. I would like to register my opposition to the granting of this license.


The licence would only be bad news for the parkway centre. These sorts of establishments feed on people's addictions which are rife in our already disadvantaged and impoverished area.

Along with this, without making stereotypes and prejudices, these establishment attract heavy drinkers. I personally wouldn't feel safe walking through with my children and feel the same about these areas in Middlesbrough town centre. Nor would I want to spend £200 a day on a stall for my business, only to be placed opposite a gambling centre.

I run a local community organisation and all 1093 members agree that this is a very bad move and one which will affect us all negatively.

Please would you consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities and the general public.

In a time where our high streets are dying, these sorts of buildings could be used to host small local businesses and instead are infested with things such as gambling centres that only help to further decline these areas.

Many thanks,
Dominique Bendelow-Chilver


From: A Witherden [redacted]
Sent: Tuesday, December 12, 2023 3:05 PM
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: License application Leisure Land 17a Parkway Centre Coulby Newham TS8 0JT

You don't often get email from [redacted] [Learn why this is important](#)

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Hi,

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Coulby Newham within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

My young teenage son is autistic and attends a local specialist school for people with moderate learning difficulties. I hope one day soon that he will be able to walk around Coulby Newham on his own and have looked forward to him having this independence as a young adult. He is exactly the sort of vulnerable person for whom walking past the bright lights and promises of easy cash in an adult gaming centre could be incredibly detrimental.

Please would you consider rejecting this application and keeping Coulby Newham a safer space for people with autism and other learning difficulties.

Many thanks,

Dr Abi Witherden

[redacted signature]

Abi Witherden (she/her)

[redacted contact info]

APPENDIX 15

From: Emma Cairnes [REDACTED]
Sent: Wednesday, December 13, 2023 11:15 PM
To: Licensing <licensing@middlesbrough.gov.uk>
Subject: Rejection to application - Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

You don't often get email from [REDACTED] [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

To whom it may concern,

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Coulby Newham within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

Having personally experienced the effects of gambling and addictions, I feel the easy accessibility of this unit could be detrimental to the lives of people living in Coulby Newham, particularly, of those already living with addiction. I feel it may also influence young people to begin gambling as many young people use the shopping centre after school which may start them on a pathway of addiction. Finally, given the current financial climate this could also influence those in the area who are struggling in the hope of gaining more money only to land them in further financial difficulties.

I ask you to consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities.

Many thanks,
Emma Bullock, [REDACTED]

16

-----Original Message-----

From: [REDACTED]

Sent: Tuesday, December 12, 2023 4:38 PM

To: Licensing <Licensing@middlesbrough.gov.uk>

Subject: Objection to planning application

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Hello

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Coulby Newham within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

I think that the proposal would encourage vulnerable people to get into debt and could bring unsavoury characters to a family space.

There is a group of disabled adults based at The Manor Hub that use the centre on a daily basis, they access the area as it is a welcoming environment.

People collecting medication from Boots Chemists to manage depression that has resulted from gambling debts do not need the lure of this type of establishment closely situated.

I think this type of business is better placed at the new James Cook Square (The Square) where it would be more appropriately situated.

Please would you consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities.

Kind regards
Malcolm Turley

[REDACTED]
[REDACTED]
Middlesbrough
[REDACTED]

Sent from my iPhone

-----Original Message-----

From: Frank Davies [REDACTED]
Sent: Tuesday, December 12, 2023 4:22 PM
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: License application

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Hello,

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Leisure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Coulby Newham within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

In the current climate of austerity I do not believe this is suitable.

Please would you consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities.

Many Thanks
Frank Davies
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

APPENDIX 18

From: Sarah Small [redacted]
Sent: Wednesday, 06 December 2023 18:45
To: Licensing <Licensing@middlesbrough.gov.uk>
Cc: Sarah Small [redacted]
Subject: Objection to application in respect of Adult Gaming Centre Premise License for a gaming arcade in the Parkway Centre at Coulby Newham.

You don't often get email from [redacted]. [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Dear Sirs

I am writing to raise an objection to the recent application in respect of an Adult Gaming Centre Premise License for a gaming arcade in the Parkway Centre at Coulby Newham.

I regularly shop in this centre and feel that this will be harmful to the community especially the more vulnerable as its them that are more prone to fall into debt and have their lives destroyed by the dependency that these centres cause.

As a affected other of an gambling addict I feel that having a gaming arcade in close proximity to two other betting shops would be detrimental not only to my family member but to the local area. We are always being told that Middlesbrough is a deprived area and although the recent article in the Evening Gazette states that it would 'provide an economic return for the shopping centre owners whilst bringing life back to this important corner of the centre' Have you considered the implications this would have on gambling addicts and their families? I attend counselling sessions each week through the gambling service NECA and I am saddened by the number of families that are facing issues brought on by gambling. Surely as the local council you have a duty of care to the local community to prevent any future distress that this addiction causes.

The Parkway Centre is also used by families with children and I don't feel that this is an appropriate location for this type of establishment.

Kind regards
Mrs Sarah Small

17

From: becca Jayne [REDACTED]
Sent: Thursday, December 7, 2023 10:05 AM
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Gaming arcade

You don't often get email from [REDACTED]. [Learn why this is important.](#)

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Hi

I don't agree with the proposal to put a gaming centre in the coulby Newham centre. It encourages Gambling and as it is a family area I do not believe it should be placed there.

Thanks

Rebecca Arnold

From: June holt [redacted]
Sent: Wednesday, 06 December 2023 19:06
To: Licensing <licensing@middlesbrough.gov.uk>
Subject: Coulby Newham gaming centre

You don't often get email from [redacted] [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If
in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

I would like to object to the proposed gaming centre to be based at coulby Newham we are already serviced by two
bookmakers at the centre and I feel that is enough. The new place has a pawn shop ramdens next door a vape shop
opposite and burger king this is heaven to a gambling addict it ruins families which we have some experience. This is
a well used family centre in quite a deprived areas as we are often told in the press. You do not find these type of
facilities in more affluent areas. Please can we not prey on the vulnerable I am begging you to reconsider this
application.

Yours sincerely
Mrs June Holt

Appendix 21

From: Geoff Peirse
Sent: Thursday, December 7, 2023 12:44 PM
To: Licensing <licensing@middlesbrough.gov.uk>
Subject: Parkway Centre Coulby Newham : Gaming Centre

You don't often get email from [redacted] [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Hi

I would like to inform you that I strongly object to the open of a gaming centre at the Parkway Shopping Centre. I feel very strongly that such a centre could seriously effect the families of many of the people who may use the centre with the possibility that it could lead to them being unable to gamble sensibly and therefore create financial hardship for themselves and their families. In times when many people struggle to "get by" from a financial point of view, to place a temptation to gamble and probably lose much needed money in their paths would be immoral and irresponsible. The Gazette recently published an article saying that more foodbanks are required in the town. This was, at the same time as reporting that the Gaming Centre is going to be opened. This appears to be a absolute contradiction in what the town requires.

Please deny the application for a licence for this Gaming Centre.

Yours sincerely

Geoff Peirse.

From: Julie Philpot [REDACTED]
Sent: Tuesday, December 12, 2023 5:22 PM
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Objection to gambling premises The Parkway Centre, Coulby Newham

You don't often get email from [REDACTED]. [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Good evening

I have seen that a license application has been made for a unit in the Parkway Centre, Coulby Newham, to be turned into an adult gaming centre.

This application refers to Lelsure Land 17a, Parkway Centre, Coulby Newham TS8 0JT.

I live in Merton within easy walking distance of the Parkway Centre and would like to register my opposition to the granting of this license.

I feel that this would be a poor use of the centre, we already have enough problems with antisocial behaviour in the area and this will contribute to this. It is about time the council and the landlord realise that we need better facilities, e.g. a butchers, which will benefit the whole community and bring more people into the centre rather than encouraging gambling.

Please would you consider rejecting this application and keeping Coulby Newham a safer space for people with addiction issues, learning difficulties or other vulnerabilities.

Many thanks,

Mrs Julie Philpot
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Joanne Storey [REDACTED]
Sent: Tuesday, December 12, 2023 3:08 PM
To: Licensing <licensing@middlesbrough.gov.uk>
Subject: Objection to application

You don't often get email from [REDACTED] [Learn why this is important](#)
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Good afternoon,

I wish to object to the application in respect of a Grant of an Adult Gaming Centre Premise Licence:
Leisure Land 17a Parkway Centre Coulby Newham TS8 0JT.

Joanne Storey

From: James Small [REDACTED]
Sent: Friday, December 8, 2023 8:58 PM
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Objection to Adult Gaming Centre in Parkway Centre

You don't often get email from [REDACTED] so why this is important
CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Good evening,

I am writing to object to the proposed Adult Gaming Centre at the Parkway Centre, Coulby Newham. I strongly believe that this will have negative impact on the shopping centre and be harmful to the community as a whole. Middlesbrough is described as a deprived area and I think this type of establishment will be harmful to vulnerable people who have a dependency on these centres which encourage people to get into debt.

Personally, I have friends and family who struggle with gambling and are in debt as a result of this kind of establishment. They are supposed to follow a duty of care to protect their users, but I can see from personal experience that such establishments in the local area do not abide by the unmonitored rules they say they follow.

If you knew the impact such establishments can have on an individual and their friends and family, you would certainly not be licencing one to open at this address.

Please reach out if you want to discuss this further.

Regards,

James Small

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THE GAMBLING ACT 2005 (PROCEEDINGS OF LICENSING COMMITTEES AND SUB COMMITTEES) (PREMISES LICENCES AND PROVISIONAL STATEMENTS) REGULATIONS 2007 (“the Regulations”)

NOTICE OF LICENSING SUB COMMITTEE HEARING UNDER REGULATIONS 5 AND 6

1. APPLICATION FOR PREMISES LICENCE IN RELATION TO PREMISES AT 17a PARKWAY CENTRE, COULBY NEWHAM, MIDDLESBROUGH, TS80TJ

To the Parties

Applicant - Cleveland Leisure Centres Limited
36-38 Kings Road,
North Ormesby,
Middlesbrough
Applicant’s Legal Representative - Simon Catterall, email
SCatterall@jacksons-law.com

Interested Parties - Emma Lonsdale (including petition with 345 signatures)
Angela Brookmyre
Abigail Cronin
Bernadette Foley
Dominique Bendelow-Chilver
Dr Abi Witherden
Emma Bullock
Malcom Turley
Frank Davies
Sarah Small
Rebecca Arnold
June Holt
Geoff Peirse
Julie Philpot
Joanne Story
James Small

Date of Notice 30 January 2024

Date and Time of Hearing Wednesday 7 February 2024 at 10.00am

Place of Hearing Mandela Room, Town Hall, Middlesbrough

Application Application for Premises Licence (Adult Gaming Centre),
17a Parkway Centre, Coulby Newham, Middlesbrough, TS8 0TJ

The Licensing Sub Committee will make available the following documents if requested by any person who has made representations in accordance with Regulation 5 (2) (b) of the Regulations

1. Representations by all interested parties detailed above

INFORMATION TO ACCOMPANY THIS NOTICE UNDER REGULATION 6 OF THE REGULATIONS

1. Regulation 6(1) (a) - Attendance

Failure of Parties to attend a hearing

(1) The Sub Committee may proceed with a hearing in the absence of a party or a party's representative if the party has—

- (a) informed the committee that he does not intend to attend or be represented at the hearing (and has not subsequently advised the committee otherwise);
- (b) failed to inform the committee whether he intends to attend or be represented at the hearing; or
- (c) left the hearing in circumstances enabling the committee reasonably to conclude that he does not intend to participate further.

Regulation 10(1) of the Regulations

2. Regulation 6(1) (b) – Conduct of Hearings

Hearings to be public

(1) Subject to paragraph (2), the hearing must take place in public.

(2) The Sub committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all the circumstances of the case, having regard to—

- (a) any unfairness to a party that is likely to result from a hearing in public; and
- (b) the need to protect as far as possible, the commercial or other legitimate interests of a party.

Regulation 8 of the Regulations

Proceedings of the Sub Committee in conducting the Hearing

(1) Subject to Regulations 8 and 11, the sub committee must permit a party to attend a hearing and be assisted or represented by any person whether or not that person is legally qualified.

(2) At the beginning of the hearing the sub committee must explain the procedure that it proposes to follow in conducting the hearing.

(3) In conducting a hearing the sub committee must ensure that each party is given the opportunity to—

- (a) address the sub committee on any matter that is relevant to the application or any representations made on the application;
- (b) call witnesses to give evidence on any matter that is relevant to the application, or any representations made on the application;

- (c) provide further information on, or explanation of, any matter on which the sub committee has indicated that it will want further clarification under regulation 6(1) (j).
- (4) In conducting a hearing the sub committee must also—
- (a) permit any party to question any other party or person representing a party on any matter that is relevant to the application or any representations made on the application, or where the sub committee considers that in all the circumstances it is appropriate to do so; and
- (b) take into consideration documentary or other information in support of the application or representations produced by a party—
- (i) before the hearing; or
- (ii) at the hearing, with the consent of all the other parties attending the hearing.
- (5) Without prejudice to paragraphs (3) and (4), a hearing must be conducted so that it takes the form of a discussion led by the sub committee, and the sub committee must not permit any cross-examination unless it considers that cross-examination is required for it properly to consider the application or representations made by any party.
- (Regulations 9 of the Regulations)*

3. Regulation 6(1)(c) - Attendance

Attendance by the Parties

Were a party has indicated that they do intend to attend or be represented at the hearing, but fails to attend or be represented, the sub committee may—

- (a) adjourn the hearing to a specified date if it considers it to be in the public interest, or
- (b) proceed with the hearing in the party's absence.

(Regulation 10(2) of the Regulations)

4. Regulation 6(1)(d) – Hearings Procedure

Procedure of the Hearing

The Procedure of the Hearing is set out in the Appendix to this Notice

The Chair or legal advisor will explain the procedure that the sub committee proposes to follow in conducting the hearing. The general procedure is attached to this notice however, the sub committee may make amendments to this procedure as and when it considers it necessary to do so.

5. Regulation 6(1)(e) - Time Limit and method, attendance of Parties

The Parties should inform the sub committee at least five days before the date for the hearing that they wish to attend or address the hearing

6. Regulation 6(1)(f) - Time Limit and Method, attendance of Representatives

The Parties should inform the sub committee in writing at least five days before the date for the hearing that they wish to be assisted or represented by another person

7. Regulation 6(1)(g) - Time Limit and Method, attendance of witnesses

The Parties should inform the sub committee in writing at least five days before the date for the hearing if they intend to call a witness to give evidence at the hearing and the matters in relation to which they wish that witness to give evidence.

8. Regulation 6(1)(h) - Time Limit and method, withdrawal of representations

The Parties should inform the sub committee in writing, at least five days before the date for the hearing if they wish to withdraw their representations

9. Regulation 6(1)(i) - Time limit and method – consent to determination without a hearing

The Parties should inform the sub committee in writing, at least two days before the date for the hearing if they consent to the application being determined without a hearing hearing

10. Regulation 6(1)(j) - Matters for clarification

(1) There are no matters at this stage that the sub committee will want clarification at the hearing.

(2) If a Party intends to rely on documentation or other written information in accordance with Paragraph 2 above (and Regulation 9 (4)(b) of the Regulations) the Party wanting to rely on that documentation or written information should endeavor to provide it to the licensing sub committee and the other Parties at least five days before the hearing.

Regulation 6(2) – Attached Documents

The following representations are attached to this Notice -

Representations by all interested parties (Appendix 9-24)

THE GAMBLING ACT 2005 LICENSING SUB COMMITTEE GENERAL HEARING PROCEDURE

The Chair or legal advisor will explain the procedure that the sub committee proposes to follow in conducting the hearing. The sub committee may make amendments to this procedure as and when it considers it necessary to do so. The sub committee may go into private session to debate or consider applications throughout the process of the hearing with guidance from its legal advisor

INTRODUCTION OF THE MATTER BEFORE THE COMMITTEE

- The Chair welcomes the parties and introduces the Members and Officers
- The Chair briefly explains the matter before the committee
- The Chair deals with any Membership changes and interests
- The Chair confirms whether the hearing is to be a public meeting or held in private
- The Committee deals with the issue of absent parties (if any), the admission of witnesses and documentary evidence
- The Committee determines in view of the above whether or not to proceed with the hearing or adjourn / postpone to a later time or date.
- Chair confirms to procedure that will be followed at the hearing

THE LICENSING OFFICER OUTLINES THE CASE

- The Chair asks the Licensing Officer to summarise the case by reference to the report and any additional admitted evidence.
- The Chair asks the parties whether they consider the report to be accurate
- If the report is not accurate the committee can note the amendments if required.

THE APPLICANT PRESENTS HIS / HER CASE

- The Chair asks the applicant to present their case
- The Committee ask the applicant questions
- The Chair may give permission for the other parties to ask the applicant questions
- The Chair asks the applicant's witnesses to give evidence
- The Committee ask the witnesses questions
- The Chair may give permission for the other parties to ask the witnesses questions.

THE RESPONSIBLE AUTHORITIES / INTERESTED PARTIES PRESENT THEIR CASE

- The Chair asks the Responsible Authority / Interested Party to present his / her case
- The Committee ask the Responsible Authority / Interested Party questions
- The Chair may give permission for the applicant to ask the Responsible Authority / Interested Party questions
- The Chair asks the Responsible Authority / Interested Party's witnesses to give evidence
- The Committee ask the witnesses questions
- The Chair may give permission for the applicant to ask the witnesses questions.

RESPONSIBLE AUTHORITIES / INTERESTED PARTIES SUM UP THEIR CASE

THE APPLICANT SUMS UP HIS / HER CASE

CONCLUSION OF HEARING

- Chair asks if the parties have said everything they want to so that is relevant
- The Chair asks the parties to leave excluding the Governance Officer and Legal Advisor in order to deliberate the matter.

DECISION AND REASONS

The committee may determine the matter after the conclusion of the hearing and recall the parties to inform them of the decision, however, where deliberation may take some time, the decision and reasons in most cases will be given no later than five working days from the day after the hearing concludes, however this may be extended if it is in the public interest to do so.