



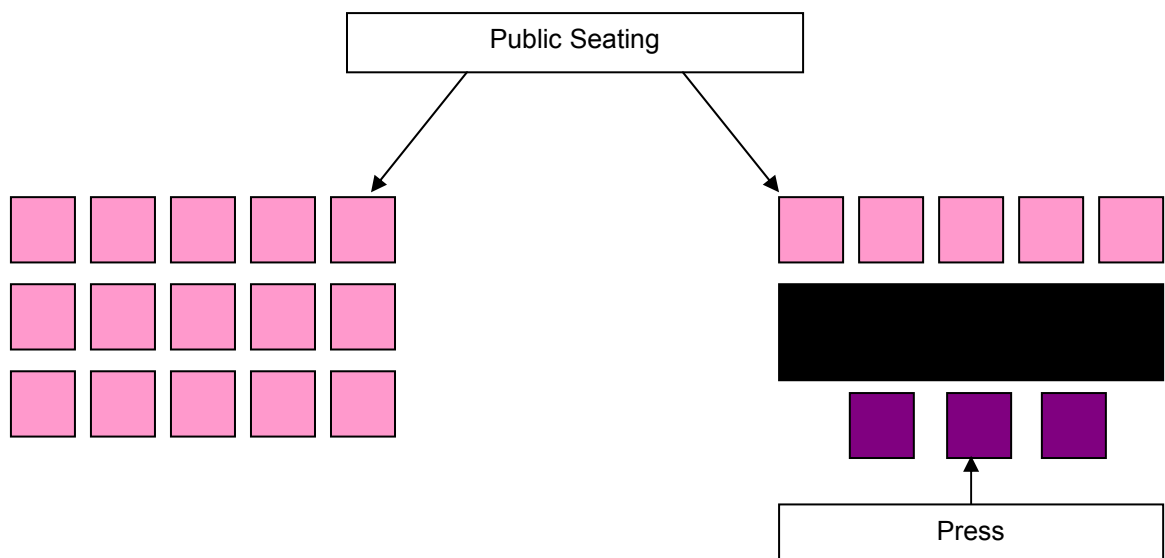
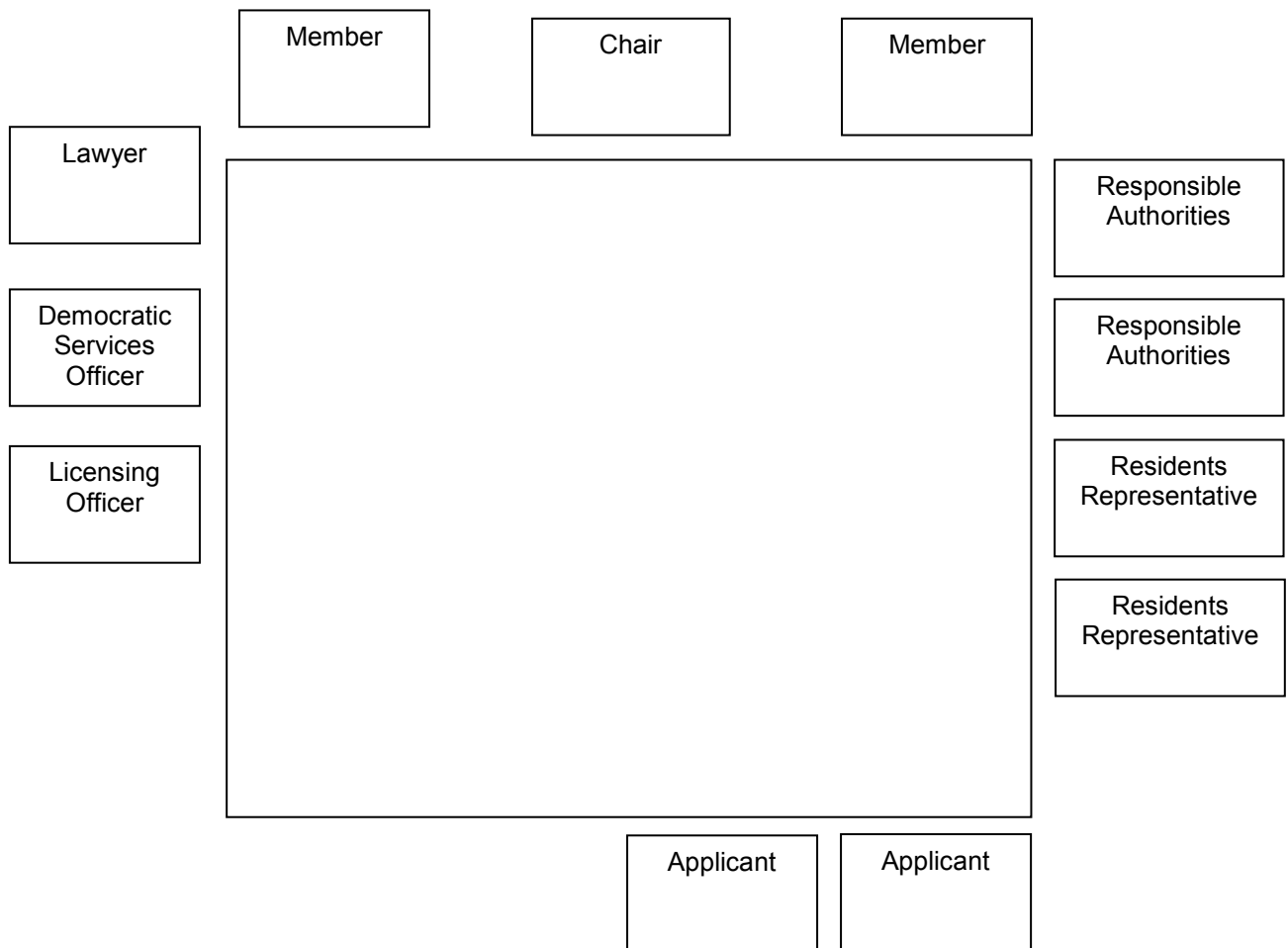
# Licensing Panel

## (Non Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Non Licensing Act 2003 Functions)</b>
Date:	<b>19 December 2014</b>
Time:	<b>10.00am</b>
Venue	<b>Committee Room 1, Brighton Town Hall</b>
Members:	<b>Councillors:</b> Cobb, Marsh and Simson
Contact:	<b>Ross Keatley</b> Acting Democratic Services Manager 01273 29-1064 ross.keatley@brighton-hove.gov.uk

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	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
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## Democratic Services: Meeting Layout



## AGENDA

### Part One

### Page

#### 9 TO APPOINT A CHAIR FOR THE MEETING

#### 10 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

#### 11 APPLICATION FOR REVIEW OF A PREMISES LICENCE- UNDER THE GAMBLING ACT 2005, METROBET BOOKMAKERS LTD, 56 BOUNDARY ROAD, HOVE 1 - 32

Report of the Head of Regulatory Services (copy attached).  
Ward Affected:      Wish

**12 APPLICATION FOR REVIEW OF PREMISES LICENCES -UNDER THE GAMBLING ACT 2005, UNITS 1 -4 REGENCY ARCADE, 63-64 WEST STREET, BRIGHTON 33 - 118**

Report of the Head of Regulatory Services (Copy attached)

Contact Officer: Sarah Cornell

Tel: 29-5801

Ward Affected: Regency

**NOTE:** *There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chairman reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Ross Keatley, (01273 29-1064, email [ross.keitley@brighton-hove.gov.uk](mailto:ross.keitley@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Thursday, 11 December 2014

# Licensing Panel (Gambling Act 2005 Functions)

## Agenda Item 11

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for Review of a Premises Licence under the Gambling Act 2005</b>		
<b>Premises:</b>	<b>Metrobet Bookmakers Limited, 56 Boundary Road Hove, BN3 5TD</b>		
<b>Applicant:</b>	<b>Mark Savage-Brookes, Licensing Officer, Environmental Health &amp; Licensing, Regulatory Services, Public Health, Brighton &amp; Hove City Council</b>		
<b>Date of Meeting:</b>	<b>19<sup>th</sup> December 2014</b>		
<b>Report of:</b>	<b>Head of Regulatory Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>E-mail:</b>	<b>Sarah.cornell@brighton-hove.gcsx.gov.uk</b>	
<b>Wards Affected:</b>	<b>Wish Ward</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT:

1.1 To determine an application for **Review** of a Gambling Premises Licence (Betting (Other)) under the Gambling Act 2005 for **Metrobet**.

### 2. RECOMMENDATIONS:

2.1 That the Panel determine the review of the premises licence for premises known as Metrobet.

### 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1 An application was received from Mark Savage-Brookes, Licensing Officer, to review the licence granted to the premises known as Metrobet, 56 Boundary Road, Hove, BN3 5TD. **Appendix A**

3.2 Existing licence attached at **Appendix B**.

3.3 The grounds for the review relate to the following Licensing objective:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling (it should be noted that the requirement in

relation to children is explicitly to protect them from being harmed or exploited by gambling).

3.4 In exercising its function under the Gambling Act 2005 the Licensing Authority must aim to permit the use of premises for gambling in so far as the Authority think it:

- a) In accordance with any relevant Code of Practice issued by the Gambling Commission,
- b) In accordance with any relevant guidance issued by the Gambling Commission,
- c) Reasonably consistent with the licensing objectives, and
- d) In accordance with the Authority's Licensing Policy.

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 200
- Consider any relevant representations
- As a result of a review of a premises licence under section 201 a licensing authority may—
  - (a) revoke the licence;
  - (b) suspend the licence for a specified period not exceeding three months;
  - (c) exclude a condition attached to the licence under section 168 or remove or amend an exclusion;
  - (d) add, remove or amend a condition under section 169.

### **Representations received**

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma.

3.7 One representation was received. It was received from the Gambling Commission (**Appendix C**).

3.8 Representation received had concerns relating to:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling (it should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling).

## **4. CONSULTATION**

Commentary on gambling policy

4.1 The following extracts from Brighton & Hove City Council Statement of Gambling Policy are considered relevant to this application and numbered as they appear in the policy:

### **1. Introduction**

## 1.2 The gambling 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,
- Protecting children and other vulnerable persons from being harmed or exploited by.

1.5 This policy will come into force on 1 January 2013 by resolution of Full Council in December 2012 and will be reviewed and published at least every three years.

The review process will be undertaken using the same principles as the initial consultation process. The policy will also be under review in the interim periods; any revisions required by either process will also be the subject of consultation. It is also subject to guidance issued by the Government including any issued after the date of publication of this Statement.

## 1.13 Human Rights

In considering applications, and taking enforcement action, licensing authorities are subject to The Human Rights Act and in particular the following relevant provisions of the European Convention on Human Rights:-

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

Licensing Authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being met.

## 2 Fundamental Principles

### 2.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

2.2 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The

licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.

## **2.7 Ensuring that gambling is conducted in a fair and open way**

Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.

## **2.10 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being “harmed or exploited by gambling” which in practice means preventing them from taking part in or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

2.11 Specific measures to prevent this may include:-

- a) Supervision of entrances
- b) Segregation of gambling from areas frequented by children
- c) Supervision of gaming machines in non-adult gambling specific premises
- d) Gaming machines in betting shops should not be visible from outside the premises
- e) Enhanced CRB checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days)

2.12 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. “Vulnerable persons” will not be defined but for the purposes of this policy the assumption is that this group includes people who from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem, a known compulsion to gamble or the effects of alcohol or drugs.

Operators should make information publicly available via leaflets etc about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

2.13 Consideration must be given, in relation to particular premises, whether any

special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

#### 2.16 Consideration may be given to imposing conditions concerning

- Installation of cash dispensers (ATMs) on premises (e.g. location)
- As set by regulation.

2.17 Bookmakers shops: While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

### **6 Principle to be applied in exercising functions under Part 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings**

6.1 The Enforcement Concordat (now called the Regulatory Compliance Code) will be accepted as best practice. The Better Regulation Executive and Hampton review of regulatory inspections and enforcement will be used as models, as follows:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

### **9. Standard Conditions**

Appendix 2 (Section 169 of the Act) contains a pool of model conditions that may be imposed or excluded by the licensing authority. The Act provides that conditions may be attached to premises licences. Conditions may be attached in a number of ways:

- They may be attached automatically, having been set out on the face of the Act including mandatory and default conditions from the Secretary of State, or
- They may be attached to premises licences by licensing authorities. The authority should take decisions on individual conditions on a case-by-

case basis and choose suitable and appropriate conditions to suit the specific needs of an individual premises' operation.

## **10. Enforcement**

10.1 The enforcement of gambling law and the inspection of licensed premises will be detailed in the Protocol between the Gambling Commission, Brighton & Hove City Council and Sussex Police. This protocol will monitor compliance with the provisions of the Act and with licence conditions, and the investigation of suspected offences.

10.2 In general, the approach of the Commission will be that the authority which issues a licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with relevant codes of practice.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### **5.1 Financial Implications:**

The Gambling Act 2005 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

### **5.2 Legal Implications:**

5.2.1 Section 153 of the Gambling Act provides that in exercising its functions under Part 8 of the Act (premises licensing and provisional statements), a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:

- (a) in accordance with any relevant code of practice under section 24 (i.e. such as that found within the Commission's Licence Conditions and Codes of Practice (LCCP))
- (b) in accordance with any relevant guidance issued by the Commission under section 25
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- (d) in accordance with the Licensing Authority Statement of Policy (subject to (a) and (c) above).

5.2.2 The power to review a premises licence is designed to provide the Licensing Authority with a suitable mechanism to tackle problems that may subsequently arise once a premises is licensed.

5.2.3 The Sub-Committee must consider the premises licence review and take such of the steps mentioned below (if any), as it considers necessary. The steps are:

- To add, remove or amend the conditions attached to the premises

- licence
- To suspend the licence for a specified period not exceeding three months
- To revoke the licence

If the Sub-Committee decides to take action of a kind specified above they must specify the time at which the action shall take place.

The Sub-Committee may also consider issuing a warning to the licence holder and/or to recommend improvement within a particular period of time.

If none of the above steps is considered necessary the licence should remain in the form it was granted.

Lawyer Consulted: Rebecca Sidell

Date: 02.12.2014

### 5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity.

### 5.4 Crime & Disorder Implications:

Gambling policy aims to prevent crime and disorder and protect public safety.

### 5.5 Risk and Opportunity Management Implications:

Gambling is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

### 5.6 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – The Application
2. Appendix B – Existing licence
3. Appendix C – Representation
4. Appendix D – Map of area

### **Documents in Members' Rooms**

1. Brighton & Hove City Council, Gambling Act 2005: Statement of Gambling Policy 2013.

### **Background Documents**

1. Brighton & Hove City Council, Gambling Act 2005: Statement of Gambling Policy 2013.

# APPENDIX A

## SCHEDULE 4

Regulation 8(1)

Form of the notice of intention to hold a review to be given to holder of the premises licence and responsible authorities

### NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE

*This notice is given in accordance with regulations made under section 200 of the Gambling Act 2005*

Notice is hereby given that the following licensing authority:

**Brighton & Hove City Council**

Whose address is:

**Regulatory Services, Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP**

Website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which is in force at the following premises:

**Metrobet,  
56 Boundary Road  
Hove  
BN3 5TD**

The following type of premises licence has effect in respect of the premises:

**Betting (other) premises licence**

**The licensing authority intends to hold the review for the following reasons:**

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. The licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively. (A copy of the application is enclosed with this notice).

The following person connected with the licensing authority is able to give further information about the review:

**Mark Savage-Brookes**

Representations about the proposed review may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during

the period of 28 consecutive days beginning on the date on which the notice of the authority's intention to hold the review was given to the licence holder. The last day of the period for making representations is:

**30<sup>th</sup> November 2014**

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- revoke the licence
- suspend the licence for a specified period not exceeding 3 months
- add, remove or amend a condition attached to the licence

I SERVED A DUPLICATE OF THIS NOTICE UPON \_\_\_\_\_  
METROSET BOOKMAKERS LIMITED : N42JA  
BY POSTING SAME BY FIRST CLASS POST  
TO N4 2JA  
ON THIS DAY 30 OF OCTOBER 2014  
SIGNED [Signature]

Form of the notice of intention to hold a review to be published by a  
licensing authority

## **NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE UNDER THE GAMBLING ACT 2005**

Notice is hereby given that the following licensing authority:

**Brighton & Hove City Council, Regulatory Services, Environmental Health &  
Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP**

Intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which  
is in force at the following premises:

**Metrobet, 56 Boundary Road, Hove, BN3 5TD**

The following type of premises licence applies to the premises:

**Betting (other) premises licence**

**The licensing authority intends to hold the review for the following reasons:**

The premises has now been the subject to two test purchases and failed both after receiving advice  
following the first. The licensing objective: Protecting children and other vulnerable persons from  
being harmed or exploited by gambling, is not being promoted effectively.

The licence holder or a responsible authority may make representations in writing to the licensing  
authority about the review, as may any of the following persons:

- A person who lives sufficiently close to the premises to be likely to be affected by the  
authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories

Representations may be made during the period of 28 consecutive days beginning on the date on  
which notice of the intention to hold a review was given to the licence holder. That period ends on:

**30<sup>th</sup> November 2014**

Further information about the review is available from the licensing authority.

**It is an offence under section 342 of the Gambling Act 2005 if a person, without  
reasonable excuse, gives to a licensing authority for a purpose connected with that Act  
information which is false or misleading.**

COPY

COPY

2014/05269/GKREV

## Application for a review of a premises licence under the Gambling Act 2005

### 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.

#### Part 1 – Applicant Details

1. Name of Applicant: Mr M Savage-Brookes, Licensing Officer

*[Where the applicant is an individual please give your first name(s) as well as your surname]*

2. Applicant's address (home ☐ or business ☒ *[check or tick appropriate box]*)

Regulatory Services

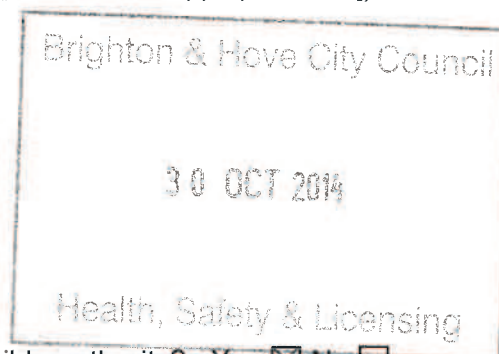
Environmental Health & Licensing

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP



3(a) Are you making the application as a responsible authority? Yes ☒ No ☐

3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:

Brighton & Hove City Council Licensing Authority

4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party ☐

4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:

N/A

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

#### Part 2 – Premises Details

5. Give the trading name used at the licensed premises to which the application for a review relates: Metrobet

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address should include a postcode:

56 Boundary Road

Hove

Postcode: BN3 5TD

7. Type of premises:

Casino ☐

Bingo Hall ☐

Adult Gaming Centre ☐

*(arcade restricted to those who are 18 or over)*

Betting (track) ☐

Betting (other) ☒

Family entertainment centre ☐

*(arcade which admits both over and under 18s)*

8. Premises licence (if known): 2009/01554/GABOT

9. Give the name of the person(s) or organisation(s) in whose name the licence is held.

Metrobet Bookmakers Limited

*[Where an individual is the licence holder please give their first name(s) as well as their surname.]*

### Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

On 25<sup>th</sup> April 2014, the premises was subject to a test purchase, conducted by the Brighton & Hove City Council Licensing Team in partnership with the Gambling Commission. A young person (sixteen year old male) was able to enter the premises at 15:05 hours and play on an age restricted Category B2 ~ (fixed odds betting terminal aka FOBT) gaming machine. There was one member of staff present during the time that the young person was on the premises. The young person left the premises ten minutes later without being challenged at any time by staff.

Metrobet Bookmakers Limited were written to by Mr Jim Whitelegg, Senior Environmental Health Officer, Brighton & Hove City Council's Environmental Health & Licensing Team, on 1st May 2014, to confirm that they had failed this test purchase and had committed offences under Sections 47 and 46 of the Gambling Act 2005. They were informed that a re-test would occur in the future (Appendix A).

A response to Mr Whitelegg's letter was received on 9<sup>th</sup> May 2014 (dated 7<sup>th</sup> May 2014), from Paul Brand, Operations Manager at Metrobet Bookmakers Limited, confirming a control measure that they would put in place to prevent this from happening in the future. This involved all gaming machines on the premises being in a 'blocked' state when idle, to ensure that anyone wishing to play a machine having to approach a staff member to enable the terminal for use. At this stage it

was confirmed that the member of staff could challenge someone about their age (Appendix B).

On 1<sup>st</sup> July 2014, Paul Brand emailed Mr Andy Isaacs, Compliance Manager at the Gambling Commission, to confirm that this voluntary control measure had been rescinded due to negative economic impact it had caused the premises. It was confirmed in the same email and in a second email to Mr Isaacs, on 2<sup>nd</sup> July 2014, that the gaming machine closest to the door would remain in a blocked state when idle, but that the other machines would be switched on. Mr Isaacs informed Mr Whitelegg of this change in operation by telephone.

On 15<sup>th</sup> July 2014 a licensing inspection of the premises was carried out by Mrs Emma Bricknell, Licensing Officer from Brighton & Hove City Council. Mrs Bricknell spoke to the manager of the premises about the test purchase failure and completed a checklist with him, to ensure that the requirements and conditions of the Betting Premises Licence were being adhered to. Advice was given regarding age restricted gaming machines and not allowing anyone under the age of 18 on to the premises.

On 9<sup>th</sup> October 2014, the premises was subject to a second test purchase. A different young person (sixteen year old male) was able to enter the premises at 15:02 hours and play on an age restricted Category B2 (FOBT) gaming machine. The terminal played on by the young person was the one closest to the door. The young person did not have to ask a member of staff if he could play on this machine. There were two members of staff on the premises, behind the serving counter, during the time that the young person was on the premises. The young person left the premises eight minutes later without being challenged at any time by staff (Appendix C). Mark Savage-Brookes acted as Supervising Officer during this visit and was present during the whole time that the young person was in the premises. Mr Savage-Brookes noted what he witnessed straight after the visit (Appendix E).

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. It is clear that the licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively.

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

The Licensing Team feel that it is reasonable and proportionate to seek additional conditions on the licence or other action that the Licensing Sub Committee feels is appropriate.

#### **Part 4 – Supporting Documents**

11. List any supporting documents which you are submitting with the application:

Follow up letter following first failed Test Purchase (Appendix A)

Letter of response received from Metrobet (Appendix B)

Test Purchase proforma following second Test Purchase failure (Appendix C)

Follow up letter following second failed Test Purchase (Appendix D)

Supervising Officer notes regarding second Test Purchase (Appendix E)

### Part 5 – Declarations and Checklist

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

I/We understand that it is now necessary to give notice to the licence holder and the responsible authorities in relation to the premises ☒

### Part 6 – Signatures

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

Signature: 

Print Name: Mr M Savage-Brookes

Date: 30/10/2014

(dd/mm/yyyy)

Capacity: Licensing Officer

[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

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

### Part 7 – Contact Details

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

Mark Savage-Brookes

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

01273 292100

14. Postal address for correspondence associated with this application:

Environmental Health & Licensing

2<sup>nd</sup> Floor

Bartholomew House

Bartholomew Square

Brighton

Postcode:BN1 1JP

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

mark.savage-brookes@brighton-hove.gcsx.gov.uk

Mr B O'Farrell  
Metrobet Bookmakers Limited  
260 Seven Sisters Road  
LONDON  
N4 2HY

Date: 1<sup>st</sup> May 2014  
Our Ref: 2014/04158/GAPREM/EH  
Phone: 01273 292438  
Fax: 01273 292196  
e-mail: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)

Dear Mr B O'Farrell

**Gambling Act 2005 – Betting Premises Licence: 2009/01554/GABOT**  
**Operating licence number: 000-020443-N-303592-006**  
**Operating licence holder: Metrobet Bookmakers Limited**  
**Re: Metrobet Bookmakers, 56 Boundary Road, Hove BN3 5TD**

Brighton and Hove City Council have been working in partnership with the Gambling Commission to undertake test purchases across a number of different operators, to test the effectiveness of underage gambling policies and procedures at gambling premises. The tests were designed to provide us and the Commission with assurance that licensed operators have sufficient safeguards in place to prevent underage gambling.

On 25 April 2014 we conducted a test purchase at premises operated by you at:

**56 Boundary Road, Hove, BN3 5TD**  
**Time of Test: 15:05**

A young male entered the betting premises at 15:05. There was one staff member on duty on the premises, with approximately fifteen customers on the premises at the time. The young person played a gaming machine and exited the premises ten minutes after entering without being challenged for his age at any time.

Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where a betting licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

We request that you respond in writing to this letter by 14 May 2014 to inform us how you will address the weaknesses in your underage gambling procedures shown by this test. Please be aware that Brighton and Hove Council intend to conduct a re-test of your gambling premises in the future, and should that test again show weaknesses, consideration may be given to initiating a review of your premises licence.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Yours sincerely,

Jim Whitelegg  
Senior Environmental Health Officer  
Environmental Health & Licensing

c.c. Metrobet, 56 Boundary Road, Hove BN3 5TD  
Compliance Manager, Gambling Commission

If requested by a third party, under the provisions of the **Freedom of Information Act 2000**, the contents of this letter may be disclosed by Brighton and Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi).



Metrobet Bookmakers Limited, 260 Seven Sisters Road, Finsbury Park, London N4 2HY.  
Tel: 08708 509051 Fax: 020 7619 3596

Jim Whitelegg  
Environmental Health & Licensing  
Regulatory Services  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP



7 May 2014

Dear Mr Whitelegg,

Thank you for your letter of 1<sup>st</sup> May. Unfortunately Mr. O'Farrell is abroad at the moment but has been made aware of this situation. I am responding on his behalf.

We take our responsibilities under the Gambling Act very seriously and are therefore very concerned that the procedures that we have in place to prevent under aged gambling have been found wanting. Our staff are trained to challenge anyone who appears to be under the age of twenty-one to produce some form of photo ID. If they cannot, they are asked to leave. To date this has proved very effective across our estate but obviously not so on this occasion. I have spoken to the staff member involved and disciplinary action will follow.

To prevent any recurrence we have now put in place a further measure. Going forward these machines will remain in "Blocked" state when idle. Anyone wishing to play a machine will first have to approach a staff member to enable the terminal for use. At that point they can be challenged before having an opportunity to play. I am confident that this will prove successful.

Yours sincerely

Paul Brand  
Operations Manager  
Metrobet Bookmakers Limited



**Proforma - YP name..**

**Name of First Officer entering premises.....** ~~SA~~ **MARK SAVAGE-BROOKES**  
**Name of Second Officer.....** **SARAH CORNELL**

Date..... **9/10/14**  
 Time YP entered premises..... **15.02**  
 Time YP exited premises..... **15.10**

Name/address of premises/operator..... **metrobet, Boundary Road, HOVE**

*The YP should have been fully briefed by a responsible officer, including health and safety, test methodology, and information on crediting and playing a gaming machine (e.g. Category C for an AGC, which will be £70 prize, though some older models may be £35 or £25 prize..... Category B2/B3 in betting premises, and the YP should be encouraged to play at 25 pence stakes to reduce gambling exposure).*

**Young person's report to responsible officer (as soon as test is complete):**

Point of challenge (if any):

- ***I was challenged when attempting to enter the premises***  
 Description of circumstances e.g. I was asked for ID, I was asked not to enter.....  
 .....  
 .....
- ***I was allowed to access the premises unchallenged - but I was challenged at some point between entering the premises and before I put money into a machine***  
 Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff, I was asked to leave the premises, I was asked whether I had gambled yet  
 .....  
 .....  
 .....
- ***I was allowed to access the premises unchallenged, and allowed to insert money into a machine – but I was challenged while playing a machine***  
 Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff while playing the machine, I was asked to leave, I was asked how much I had spent or how much I had won  
 .....  
 .....

## RESTRICTED – OPERATIONS

- *I was allowed to access the premises unchallenged, and allowed to insert money into a machine. I played the machine for around five to seven minutes without being challenged. I then tried to leave the premises but was challenged while trying to do so.*

Description of circumstances e.g. I had walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID when trying to leave premises, I was asked to leave, I was asked how much I had spent or how much I had won

- I entered the premises with £10 to play machines with. I left the premises with £5 (to be returned to responsible officer).

- (other scenario or additional comments) → man & woman

walked in, they saw YP, stood looking around for a minute and then played roulette machine by door (not on standby). Played for approx. 7 minutes and left, looked at female member of staff who looked back at him - no challenge at any time. 4-5 other people in there.

Signed..... *Stamitt* ..... Date..... 9/10/14 ..... Time..... 15.15

**Metrobet Bookmakers Limited**  
**260 Seven Sisters Road**  
**LONDON**  
**N4 2HY**

Date: 15 October 2014  
Our Ref: 2014/04158/GAPREM/EH  
Phone: 01273 292100  
Email: [mark.savage-brookes@brighton-hove.gcsx.gov.uk](mailto:mark.savage-brookes@brighton-hove.gcsx.gov.uk)

Dear Sir/Madam,

**Gambling Act 2005 – Betting Premises Licence: 2009/01554/GABOT**  
**Operating licence number: 000-020443-N-303592-006**  
**Operating licence holder: Metrobet Bookmakers Limited**  
**Re: Metrobet Bookmakers, 56 Boundary Road, Hove BN3 5TD**

We wrote to you on 1<sup>st</sup> May 2014 to inform you of a test purchase carried out at a premises operated by you at 56 Boundary Road, Hove. In this letter we confirmed that your staff failed to prevent a young person from entering the premises and playing a gambling machine.

In the same letter we confirmed that we would conduct a re-test of the premises in the future. This re-test was carried out on 9<sup>th</sup> October 2014.

A young male entered the betting premises at 15:02. There were two members of staff on duty on the premises, a male and a female, both located behind the counter. There were approximately seven customers on the premises at the time. The young person stood in the premises for a period before playing on a gaming machine located nearest to the door and exited the premises approximately eight minutes after entering without being challenged for his age at any time.

As already confirmed in our previous letter, Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where a betting licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

Due to this second failure to prevent a young person from entering the premises and permitting him to gamble, I now write to confirm that we will be applying for a Review of your Betting Premises Licence.

Notice of our application for Review will be sent to you in the near future. If you wish to discuss the contents of this letter with me, please contact me on the above contact details.

Yours sincerely,

Mark Savage-Brookes  
Licensing Officer  
Environmental Health & Licensing

c.c. Metrobet, 56 Boundary Road, Hove, BN3 5TD (by hand)  
Compliance Manager, Gambling Commission (via email)

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[REDACTED]

15.13 09/10/14  
2x step behind counter  
Male - late 50's - early 60's  
gray hair light, short  
sleeve shirt. She had  
jeans + navy top, blond  
hair tied up 30's (late)?  
Didn't really look up from  
what they were doing.  
7 other customers all  
men. I looked like he  
should be ID'd: ~~late~~  
~~female in car~~ <sup>MSD</sup> I wait  
in at 15:00. ~~██████████~~  
came in 15:02. Street

by gas shut A left 02  
from counter. He looked  
twice toward the  
counter, moved closer  
then moved to the  
machine and played  
the one closest to  
door - the played  
unchallenged for  
around 6 minutes.  
He left. I left 1 min  
later. The end of the  
counter had a swing door  
which was partially open.

# APPENDIX B

Premises licence number:

2009/01554/GABOT

## BETTING PREMISES LICENCE

This licence is issued under section 164 of the Gambling Act 2005 by

**Brighton and Hove City Council**

### Part 1 - Details of person to whom licence is issued

**Metrobet Bookmakers Limited**

of the following address:

**260 Seven Sisters Road  
Finsbury Park  
London  
N4 2JA**

Who holds an operating licence which has been given the following operating licence number by the Gambling Commission:

**Gambling Commission Operating licence number: 000-020443-N303592-001**

### Part 2 – Details of the premises in respect of which the licence is issued:

Facilities for gambling may be provided in accordance with this licence on the following premises:

**56 Boundary Road  
Hove  
BN3 5TD**

### Part 3 – Premises licence details

This licence comes into effect on:

**12<sup>th</sup> August 2009**

This licence is of unlimited duration

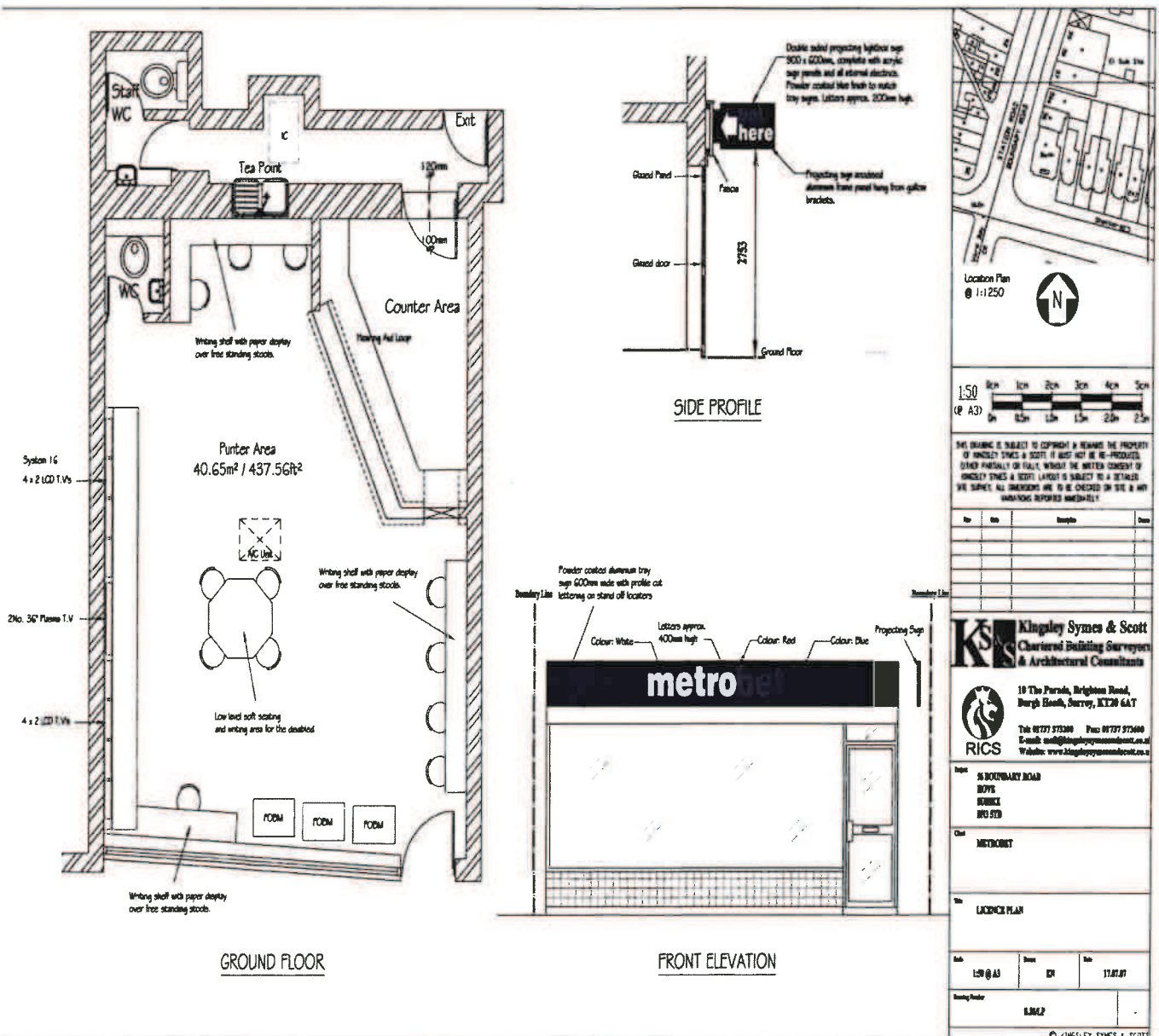
The following conditions have been attached to the licence by the issuing authority under section 169(1) of the Gambling Act 2005: **None**

The following conditions, which would otherwise attach to the licence by virtue of regulations made under section 168 of the Gambling Act 2005, have been excluded by the issuing authority under section 169(1)(b) of that Act: **None**

A scale plan is attached as an annex to this licence

Signed on behalf of the issuing licensing authority

J cfe



## Appendix C

*Valid ✓  
Protecting Children...*

# GAMBLING COMMISSION

Mr M Savage-Brookes  
Environmental Health and Licensing  
2<sup>nd</sup> Floor Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

28 November 2014



Dear Mr Savage-Brookes,

**Review of premises licences 2010/00017/GAAGCN and 2009/01554/GABOT:  
representation submitted by responsible authority**

This representation is submitted to the Licensing Committee of Brighton and Hove City Council by the Gambling Commission as a responsible authority under section 157 of the Gambling Act 2005 (the Act), in accordance with section 200(5) of the Act, and in respect of the reviews of the premises licences held by:

- **Metrobet Bookmakers Limited, 56 Boundary Road, Hove, BN3 5TD**
- **C A Heal & Sons Amusements Limited, Regency Arcade, 64 West Street, Brighton, BN1 2RA**

The representation is made with reference to the third licensing objective at section 1(c) of the Act, specifically the objective of "protecting children.....from being harmed or exploited by gambling"; and to the Commission's codes of practice issued under section 24 of the Act, specifically the social responsibility code provision 3.2 concerning "access to gambling by children and young persons".

The Gambling Commission supported the test purchase operations conducted by Brighton and Hove City Council on 25 April 2014 and 9 October 2014, the latter to re-test licensees whose underage gambling controls had shown to be ineffective during the April operation. We were in attendance with the council on both days.

The Commission attaches a high priority to the prevention of underage gambling, as it is one of the key licensing objectives of the Act that children are protected from being harmed or exploited by gambling; it is the responsibility of gambling licensees to manage the risks to this objective that their premises may present. Section 46 of the Act makes it an offence to permit a child or young person to gamble, and section 47 makes it an offence to permit a child or young person to enter a betting or adult gaming centre premises.

The Commission's Licence Conditions and Codes of Practice (code provision 3.2) require betting and adult gaming centre licensees to have policies and procedures in place to prevent underage gambling, and to monitor the effectiveness of these. Many gambling operators provide the Commission with frequent, robust evidence that they are monitoring their controls, for example through the commissioning of independent test purchasing of their premises. However, the Commission works with licensing authorities across England and Wales to conduct test purchasing among licensees who do not provide it with such evidence. All of the betting, bingo and adult gaming centre licensees tested on 25 April 2014 had been identified by the Commission and Brighton and Hove council as those that do not provide such evidence. Test purchasing is therefore one means by which the Commission and licensing authorities will measure the effectiveness of licensees' underage gambling controls, in the absence of adequate data provided by licensees themselves.

The results in Brighton and Hove are reflective of the test purchase results from other parts of England and Wales, and the Commission encourages regulatory action by licensing authorities where local gambling licensees fail to improve their controls. The Commission's press notice published on 2 September 2014 warned all gambling licensees that "....local authorities are reminding the operators that if they fail to voluntarily deliver improvements, or if their gambling premises fail a further test purchase, then they may be subject to a review of their premises licence which could culminate in the imposition of stricter licence conditions or the suspension or revocation of their premises licence".

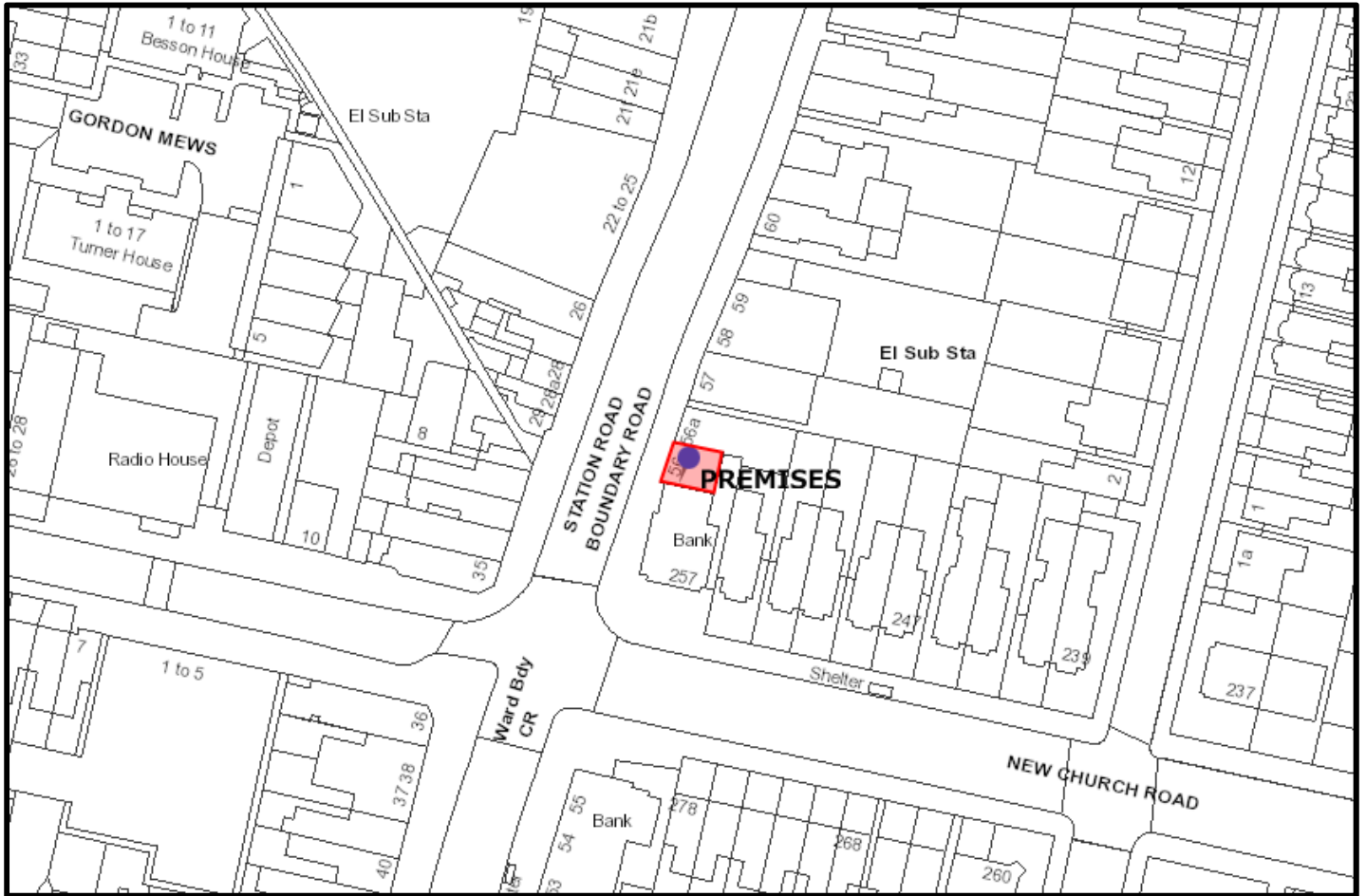
The Commission therefore supports the reviews of these premises licences by Brighton and Hove council in view of the weaknesses in underage gambling controls that were demonstrated at these gambling premises in the April and October test purchase operations.

Yours sincerely



Matthew Hill  
Director  
Gambling Commission

## Appendix D





<b>Licensing Panel</b> <b>(Gambling Act 2005 Functions)</b>	<b>Agenda Item 12</b> Brighton & Hove City Council
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<b>Subject:</b>	<b>Application for Review of Premises Licence under the Gambling Act 2005</b>		
<b>Premises:</b>	<b>Units 1-4 Regency Arcade, 63-64 West Street, Brighton, BN1 2RA</b>		
<b>Applicant:</b>	<b>Mark Savage-Brookes, Licensing Officer, Environmental Health &amp; Licensing, Regulatory Services, Public Health, Brighton &amp; Hove City Council</b>		
<b>Date of Meeting:</b>	<b>19<sup>th</sup> December 2014</b>		
<b>Report of:</b>	<b>Head of Regulatory Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>E-mail:</b>	<b>Sarah.cornell@brighton-hove.gcsx.gov.uk</b>	
<b>Wards Affected:</b>	<b>Regency</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT:

1.1 To determine four applications for **Review** of Gambling Premises Licences (Adult Gaming Centres) under the Gambling Act 2005 for Units 1-4 Regency Arcade.

### 2. RECOMMENDATIONS:

2.1 That the Panel determine the reviews of the premises licences for premises known as Unit 1, Unit 2, Unit 3 & Unit 4 Regency Arcade.

### 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1 Applications were received from Mark Savage-Brookes, Licensing Officer, to review the four licences granted to Regency Arcade, 63-64 West Street, Brighton, BN1 2RA:-

#### **Appendix A – Units 1, 2 3 & 4**

3.2 Existing licences attached at **Appendix B**.

3.3 The grounds for the reviews relate to the following Licensing objective:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling (it should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling).

3.4 In exercising its function under the Gambling Act 2005 the Licensing Authority must aim to permit the use of premises for gambling in so far as the Authority think it:

- a) In accordance with any relevant Code of Practice issued by the Gambling Commission,
- b) In accordance with any relevant guidance issued by the Gambling Commission,
- c) Reasonably consistent with the licensing objectives, and
- d) In accordance with the Authority's Licensing Policy.

3.5 At this hearing the licensing authority must:

- Consider the applications made in accordance with Section 200
- Consider any relevant representations
- As a result of a review of a premises licence under section 201 a licensing authority may—
  - (a) revoke the licence;
  - (b) suspend the licence for a specified period not exceeding three months;
  - (c) exclude a condition attached to the licence under section 168 or remove or amend an exclusion;
  - (d) add, remove or amend a condition under section 169.

## **Representations received**

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma.

3.7 One representation was received. It was received from the Gambling Commission (**Appendix C**).

3.8 Representation received had concerns relating to:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling (it should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling).

## **4. CONSULTATION**

Commentary on gambling policy

4.1 The following extracts from Brighton & Hove City Council Statement of Gambling Policy are considered relevant to this application and numbered as they appear in the policy:

## **1. Introduction**

### **1.2 The gambling 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,
- Protecting children and other vulnerable persons from being harmed or exploited by.

1.5 This policy will come into force on 1 January 2013 by resolution of Full Council in December 2012 and will be reviewed and published at least every three years.

The review process will be undertaken using the same principles as the initial consultation process. The policy will also be under review in the interim periods; any revisions required by either process will also be the subject of consultation. It is also subject to guidance issued by the Government including any issued after the date of publication of this Statement.

### **1.13 Human Rights**

In considering applications, and taking enforcement action, licensing authorities are subject to The Human Rights Act and in particular the following relevant provisions of the European Convention on Human Rights:-

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

Licensing Authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being met.

## **2 Fundamental Principles**

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

2.2 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.

## **2.7 Ensuring that gambling is conducted in a fair and open way**

Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.

## **2.10 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being “harmed or exploited by gambling” which in practice means preventing them from taking part in or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

2.11 Specific measures to prevent this may include:-

- a) Supervision of entrances
- b) Segregation of gambling from areas frequented by children
- c) Supervision of gaming machines in non-adult gambling specific premises
- d) Gaming machines in betting shops should not be visible from outside the premises
- e) Enhanced CRB checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days)

2.12 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. “Vulnerable persons” will not be defined but for the purposes of this policy the assumption is that this group includes people who from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem, a known compulsion to gamble or the effects of alcohol or drugs.

Operators should make information publicly available via leaflets etc about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

2.13 Consideration must be given, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

2.16 Consideration may be given to imposing conditions concerning

- Installation of cash dispensers (ATMs) on premises (e.g. location)
- As set by regulation.

2.17 Bookmakers shops: While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

## **6 Principle to be applied in exercising functions under Part 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings**

6.1 The Enforcement Concordat (now called the Regulatory Compliance Code) will be accepted as best practice. The Better Regulation Executive and Hampton review of regulatory inspections and enforcement will be used as models, as follows:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

## **9. Standard Conditions**

Appendix 2 (Section 169 of the Act) contains a pool of model conditions that may be imposed or excluded by the licensing authority. The Act provides that conditions may be attached to premises licences. Conditions may be attached in a number of ways:

- They may be attached automatically, having been set out on the face of the Act including mandatory and default conditions from the Secretary of State, or
- They may be attached to premises licences by licensing authorities The

authority should take decisions on individual conditions on a case-by-case basis and choose suitable and appropriate conditions to suit the specific needs of an individual premises' operation.

## **10. Enforcement**

10.1 The enforcement of gambling law and the inspection of licensed premises will be detailed in the Protocol between the Gambling Commission, Brighton & Hove City Council and Sussex Police. This protocol will monitor compliance with the provisions of the Act and with licence conditions, and the investigation of suspected offences.

10.2 In general, the approach of the Commission will be that the authority which issues a licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with relevant codes of practice.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### **5.1 Financial Implications:**

The Gambling Act 2005 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

### **5.2 Legal Implications:**

5.2.1 Section 153 of the Gambling Act provides that in exercising its functions under Part 8 of the Act (premises licensing and provisional statements), a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:

- (a) in accordance with any relevant code of practice under section 24 (i.e. such as that found within the Commission's Licence Conditions and Codes of Practice (LCCP))
- (b) in accordance with any relevant guidance issued by the Commission under section 25
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- (d) in accordance with the Licensing Authority Statement of Policy (subject to (a) and (c) above).

5.2.2 The power to review a premises licence is designed to provide the Licensing Authority with a suitable mechanism to tackle problems that may subsequently arise once a premises is licensed.

5.2.3 The Sub-Committee must consider the premises licence review and take such of the steps mentioned below (if any), as it considers necessary. The steps are:

- To add, remove or amend the conditions attached to the premises licence
- To suspend the licence for a specified period not exceeding three months
- To revoke the licence

If the Sub-Committee decides to take action of a kind specified above they must specify the time at which the action shall take place.

The Sub-Committee may also consider issuing a warning to the licence holder and/or to recommend improvement within a particular period of time.

If none of the above steps is considered necessary the licence should remain in the form it was granted.

Lawyer Consulted: Rebecca Sidell

Date: 02.12.2014

### 5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity.

### 5.4 Crime & Disorder Implications:

Gambling policy aims to prevent crime and disorder and protect public safety.

### 5.5 Risk and Opportunity Management Implications:

Gambling is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

### 5.6 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – The Applications for Units 1, 2, 3 & 4
2. Appendix B – Existing licences
3. Appendix C – Representation
4. Appendix D – Map of area

### **Documents in Members' Rooms**

1. Brighton & Hove City Council, Gambling Act 2005: Statement of Gambling Policy 2013.

**Background Documents**

1. Brighton & Hove City Council, Gambling Act 2005: Statement of Gambling Policy 2013.

# APPENDIX A UNIT 1

## SCHEDULE 4

Regulation 8(1)

Form of the notice of intention to hold a review to be given to holder of the premises licence and responsible authorities

### **NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE**

*This notice is given in accordance with regulations made under section 200 of the Gambling Act 2005*

Notice is hereby given that the following licensing authority:

**Brighton & Hove City Council**

Whose address is:

**Regulatory Services, Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP**

Website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which is in force at the following premises:

**Regency Arcade,  
Unit 1  
63-64 West Street  
Brighton  
BN1 2RA**

The following type of premises licence has effect in respect of the premises:

**Adult Gaming Centre premises licence**

**The licensing authority intends to hold the review for the following reasons:**

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. The licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively. (A copy of the application is enclosed with this notice).

The following person connected with the licensing authority is able to give further information about the review:


**Mark Savage-Brookes**

Representations about the proposed review may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during the period of 28 consecutive days beginning on the date on which the notice of the authority's intention to hold the review was given to the licence holder. The last day of the period for making representations is:

**30<sup>th</sup> November 2014**

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- revoke the licence
- suspend the licence for a specified period not exceeding 3 months
- add, remove or amend a condition attached to the licence

I SERVED A DUPLICATE OF THIS NOTICE UPON _____	
C A HEAL & SONS (AMUSEMENTS) LTD.	
BY POSTING SAME BY FIRST CLASS POST	
TO Bm 2 RA.	
ON THIS DAY 30 OF OCTOBER 20 14	
SIGNED	

Form of the notice of intention to hold a review to be published by a  
licensing authority

### **NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE UNDER THE GAMBLING ACT 2005**

Notice is hereby given that the following licensing authority:

**Brighton & Hove City Council, Regulatory Services, Environmental Health &  
Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP**

Intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which  
is in force at the following premises:

**Regency Arcade, Units 1-4, 63-64 West Street, Brighton, BN1 2RA**

The following type of premises licence applies to the premises:

**Adult Gaming Centre premises licence**

**The licensing authority intends to hold the review for the following reasons:**

The premises has now been the subject to two test purchases and failed both after receiving advice  
following the first. The licensing objective: Protecting children and other vulnerable persons from  
being harmed or exploited by gambling, is not being promoted effectively.

The licence holder or a responsible authority may make representations in writing to the licensing  
authority about the review, as may any of the following persons:

- A person who lives sufficiently close to the premises to be likely to be affected by the  
authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories

Representations may be made during the period of 28 consecutive days beginning on the date on  
which notice of the intention to hold a review was given to the licence holder. That period ends on:

**30<sup>th</sup> November 2014**

Further information about the review is available from the licensing authority.

**It is an offence under section 342 of the Gambling Act 2005 if a person, without  
reasonable excuse, gives to a licensing authority for a purpose connected with that Act  
information which is false or misleading.**

COPY

COPY

2014/05275/GMREV

## Application for a review of a premises licence under the Gambling Act 2005

### 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.

#### Part 1 – Applicant Details

1. Name of Applicant: Mr M Savage-Brookes, Licensing Officer

*[Where the applicant is an individual please give your first name(s) as well as your surname]*

2. Applicant's address (home ☐ or business ☒ *[check or tick appropriate box]*)

Regulatory Services

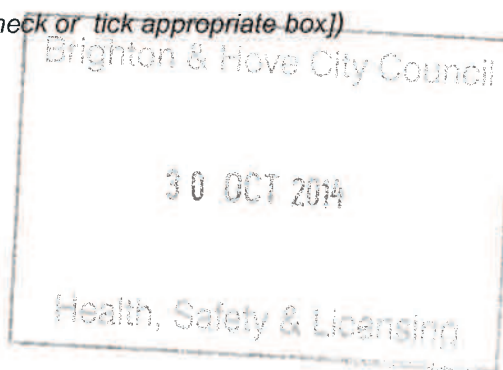
Environmental Health & Licensing

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP



3(a) Are you making the application as a responsible authority? Yes ☒ No ☐

3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:

Brighton & Hove City Council Licensing Authority

4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party ☐

4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:

N/A

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

#### Part 2 – Premises Details

5. Give the trading name used at the licensed premises to which the application for a review relates: Regency Arcade

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address should include a postcode:

Unit 1  
64 West Street  
Brighton

Postcode: BN1 2RA

7. Type of premises:

Casino ☐

Bingo Hall ☐

Adult Gaming Centre ☒

*(arcade restricted to those who are 18 or over)*

Betting (track) ☐

Betting (other) ☐

Family entertainment centre ☐

*(arcade which admits both over and under 18s)*

8. Premises licence (if known): 2010/00017/GAAGCN

9. Give the name of the person(s) or organisation(s) in whose name the licence is held.

C A Heal And Sons (Amusements) Ltd.

*[Where an individual is the licence holder please give their first name(s) as well as their surname.]*

### Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

This premises is comprised of a Family Entertainment Centre and, to the rear of the premises an Adult Gaming Centre. The premises holds four separate Adult Gaming Centre Premises Licences in respect of four units situated within the Adult Gaming Centre. The Licensing Team seek to review all four of the Premises Licences as the units are all located close together and form the whole Adult Gaming Centre part of the premises.

On 25<sup>th</sup> April 2014, the premises was subject to a test purchase, conducted by the Brighton & Hove City Council Licensing Team in partnership with the Gambling Commission. A young person (sixteen year old male) was able to enter the Adult gaming Centre at 14:06 hours and play on an age restricted Category C gambling machine. There were two members of staff present during the time that the young person was on the premises. The young person left the premises ten minutes later without being challenged at any time by staff.

C A Heal And Sons (Amusements) Ltd were written to by Mr Jim Whitelegg, Senior Environmental Health Officer, Brighton & Hove City Council's Environmental Health & Licensing Team, on 1st May 2014, to confirm that they had failed this test purchase and had committed offences under Sections 47 and 46 of the Gambling Act 2005. They were informed that a re-test would occur in the future (Appendix A).

A response to Mr Whitelegg's letter was received on 14th May 2014 (dated 13<sup>th</sup> May 2014), from Charles Heal, Director of C A Heal And Sons (Amusements) Ltd., confirming that they would do all they can to prevent this from happening in the future (Appendix B).

On 25<sup>th</sup> June 2014 a licensing inspection of the premises was carried out by Miss Sarah Cornell, Senior Licensing Officer from Brighton & Hove City Council. Miss Cornell met with Charles Heal and discussed the test purchase failure and completed a checklist with him, to ensure that the requirements and conditions of the Adult Gaming Centre Premises Licences were being adhered to. Advice was given regarding age restricted gaming machines and not allowing anyone under the age of 18 on to the premises.

On 9<sup>th</sup> October 2014, the premises was subject to a second test purchase. A different young person (sixteen year old male) was able to enter the Adult gaming Centre at 14:00 hours and play on two age restricted Category C gambling machines. There were two visible members of staff on the premises, one behind the cash desk and one walking around. The young person left the premises approximately seven minutes later without being challenged at any time by staff (Appendix C). Mark Savage-Brookes acted as Supervising Officer during this visit and was present during the whole time that the young person was in the premises. Mr Savage-Brookes noted what he witnessed straight after the visit (Appendix E).

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. It is clear that the licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively.

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

The Licensing Team feel that it is reasonable and proportionate to seek additional conditions on the licence or other action that the Licensing Sub Committee feels is appropriate.

#### **Part 4 – Supporting Documents**

11. List any supporting documents which you are submitting with the application:

Follow up letter following first failed Test Purchase (Appendix A)

Letter of response received from Charles Heal (Director) (Appendix B)

Test Purchase proforma following second Test Purchase failure (Appendix C)

Follow up letter following second failed Test Purchase (Appendix D)

Supervising Officer notes regarding second Test Purchase (Appendix E)

#### **Part 5 – Declarations and Checklist**

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



I/We understand that it is now necessary to give notice to the licence holder



**and the responsible authorities in relation to the premises**

**Part 6 – Signatures**

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

Signature:



Print Name: Mr M Savage-Brookes

Date: 30/10/2014

(dd/mm/yyyy)

Capacity: Licensing Officer

[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

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

**Part 7 – Contact Details**

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

Mark Savage-Brookes

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

01273 292100

14. Postal address for correspondence associated with this application:

Environmental Health & Licensing

2<sup>nd</sup> Floor

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP

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

mark.savage-brookes@brighton-hove.gcsx.gov.uk

Mr C Heal  
C A Heal & Sons Amusements Limited  
63-64 West Street  
Brighton  
BN1 2RA

Date: 1<sup>st</sup> May 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292438  
Fax: 01273 292196  
e-mail: [Jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:Jim.whitelegg@brighton-hove.gcsx.gov.uk)

Dear Mr C Heal

*2010/00022/GAAGCN*

**Gambling Act 2005 – Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN**  
**Operating licence number: 000-001980-N-104069-004**  
**Operating licence holder: C A Heal & Sons Amusements Limited**  
**Re: Regency Arcade, 63-64 West Street, Brighton BN1 2RA**

Brighton and Hove City Council have been working in partnership with the Gambling Commission to undertake test purchases across a number of different operators, to **test** the effectiveness of underage gambling policies and procedures at gambling premises. The tests were designed to provide us and the Commission with assurance that licensed **operators** have sufficient safeguards in place to prevent underage gambling.

On 25 April 2014 we conducted a test purchase at premises operated by you at:

**CA Heal and Sons Amusements, 63-64 West Street, Brighton**  
**Time of Test: 14:06**

A young male entered the adult gaming centre premises at 14:06. There were two staff members on duty in the premises, one at the cash desk and the other floor-walking. There were approximately three other customers on the premises at the time. The young person played a gaming machine and exited the premises ten minutes after entering without being challenged for his age at any time.

Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

We request that you respond in writing to this letter by 14 May 2014 to inform us how you will address the weaknesses in your underage gambling procedures shown by this test. Please be aware that Brighton and Hove Council intend to conduct a re-test of your gambling premises in the future, and should that test again show weaknesses, consideration may be given to initiating a review of your premises licence.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

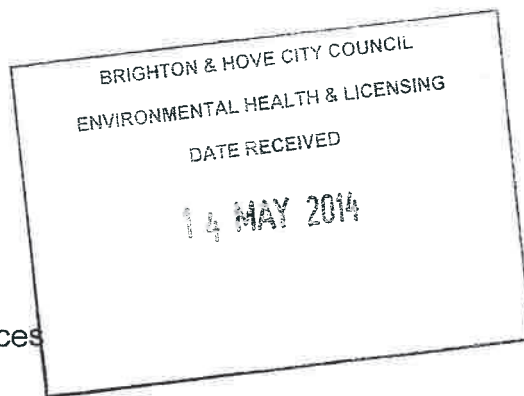
Yours sincerely,

Jim Whitelegg  
Senior Environmental Health Officer  
Environmental Health & Licensing

c.c. C A Heal & Sons Amusements Ltd, 4 King Square, Bridgwater, Somerset, TA6 3YF  
Andy Isaacs, Compliance Manager, Gambling Commission

If requested by a third party, under the provisions of the **Freedom of Information Act 2000**, the contents of this letter may be disclosed by Brighton and Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi).

## Appendix B.



Regency Leisure Arcade  
63-64 West Street  
Brighton  
East Sussex  
BN1 2RA

13<sup>th</sup> May 2014

Your Ref: 2014/04154/GAPREM/EH

Regulatory Services  
Public Health  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Email: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)  
**BY EMAIL AND POST**

Dear Mr J Whitelegg,

**Test Purchase carried out on Regency Leisure Arcade, 63-64 West Street, Brighton, BN1 2RA.**

**Gambling Act 2005 - Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN**  
**Operating Licence number: 000-001980-N-104069-004**  
**Operating Licence holder: C A Heal & Sons (Amusements) Ltd**

We acknowledge receipt of your letter dated 1st May 2014 and are very disappointed to learn we had recently failed a test purchase carried out on the above mentioned premises on 25th April 2014 at 14:06.

As a company we take this momentary lack of vigilance extremely seriously and as a result of this recent event have taken advice from Mr Phil Silver, a BACTA compliance officer for the southern area. He has recommended the following:

- Further staff training which highlights the importance of ensuring no persons under the age of 18 are permitted into the adult areas to participate in gambling.
- A random independent test purchase to ensure training has been effective.

In addition, please note our own internal arrangements:

- A staff meeting was called as soon as was practically possible to discuss the findings of the test purchase to reiterate to all staff members the seriousness of this incident and the potential consequences for them as employees, us as a company and myself as a Company Director.

As mentioned, this is extremely disappointing and embarrassing for us to experience. We have traded in West Street as an amusement arcade since 1981 and pride ourselves on our professional relationships with our customers and our compliance and implementation of BACTA policies.

However, we note and respect your findings and will do all we can to ensure this incident is not repeated.

We therefore welcome a repeat test purchase as you have indicated; confident the outcome will be different.

I look forward to hearing from you at your earliest possible convenience.

Yours sincerely,

A handwritten signature in cursive script that reads "Charles Heal".

**Charles Heal**  
Director

**Proforma - YP name.****Name of First Officer entering premises...** MARK SAVAGE-BROOKES**Name of Second Officer.....** SARAH CORNELL

Date... 9/10/14 .....

Time YP entered premises... 14:00 .....

Time YP exited premises... 14:07 .....

Name/address of premises/operator... 64  
REGENCY ARCADE, WEST STREET, BRIGHTON

The YP should have been fully briefed by a responsible officer, including health and safety, test methodology, and information on crediting and playing a gaming machine (e.g. Category C for an AGC, which will be £70 prize, though some older models may be £35 or £25 prize..... Category B2/B3 in betting premises, and the YP should be encouraged to play at 25 pence stakes to reduce gambling exposure).

**Young person's report to responsible officer (as soon as test is complete):**

Point of challenge (if any):

- I was challenged when attempting to enter the premises***

Description of circumstances e.g. I was asked for ID, I was asked not to enter.....

- I was allowed to access the premises unchallenged - but I was challenged at some point between entering the premises and before I put money into a machine***

Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff, I was asked to leave the premises, I was asked whether I had gambled yet

- I was allowed to access the premises unchallenged, and allowed to insert money into a machine – but I was challenged while playing a machine***

Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff while playing the machine, I was asked to leave, I was asked how much I had spent or how much I had won

## RESTRICTED - OPERATIONS

- *I was allowed to access the premises unchallenged, and allowed to insert money into a machine. I played the machine for around five to seven minutes without being challenged. I then tried to leave the premises but was challenged while trying to do so.*

Description of circumstances e.g. I had walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID when trying to leave premises, I was asked to leave, I was asked how much I had spent or how much I had won

- I entered the premises with £<sup>10</sup> to play machines with. I left the premises with £<sup>0</sup> (to be returned to responsible officer).
- (other scenario or additional comments).....

*At no point was YP challenged, walked around for a while and then played machine. Man sitting behind counter reading something. In AGC area £100 jackpot machine and other machine slightly less.*

Signed *B. Ornela* Date *9/10/14* Time *14.15*



**Brighton & Hove  
City Council**

## *Appendix D.*

**Regulatory Services,  
Public Health**  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

C A Heal & Sons (Amusements) Ltd.  
4 King Square  
Brigdwater  
Somerset  
TA6 3YF

Date: 15 October 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292100  
Email: mark.savage-brookes@brighton-hove.gcsx.gov.uk

Dear Sir/Madam,

**Gambling Act 2005 – Adult Gaming Centre Premises Licences:  
2010/00017/GAAGCN (Unit 1), 2010/00018/GAAGCN (Unit 2),  
2010/00021/GAAGCN (Unit 3) & 2010/00022/GAAGCN (Unit 4)  
Operating licence number: 000-001980-N-104069-005  
Operating licence holder: C A Heal & Sons (Amusements) Limited  
Re: Regency Arcade, 64 West Street, Brighton, BN1 2RA**

We wrote to you on 1<sup>st</sup> May 2014 to inform you of a test purchase carried out at a premises operated by you at 64 West Street, Brighton. In this letter we confirmed that your staff failed to prevent a young person from entering the adult gaming centre part of the premises and playing a gambling machine.

In the same letter we confirmed that we would conduct a re-test of the premises in the future. This re-test was carried out on 9<sup>th</sup> October 2014.

A 16 year old male entered the betting premises at approximately 14:00 hours. There were two visible members of staff on duty on the premises, one male behind the cash desk and one other male walking around. In addition to the supervising officer, there was one other customer in the adult gaming area. The young person walked around the adult gaming area for a period before playing on two Category C gambling machines. He exited the premises approximately seven minutes after entering without being challenged for his age at any time.


As already confirmed in our previous letter, Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Due to this second failure to prevent a young person from entering the premises and permitting him to gamble, I now write to confirm that we will be applying for a Review of your Adult Gaming Centre Premises Licences.

Notice of our application for Review will be sent to you in the near future. If you wish to discuss the contents of this letter with me, please contact me on the above contact details.

Yours sincerely,

  
Mark Savage-Brookes  
Licensing Officer  
Environmental Health & Licensing

c.c. Regency Arcade, 64 West Street, Brighton, BN1 2RA (by hand)  
Compliance Manager, Gambling Commission (via email)

If requested by a third party, under the provisions of the **Freedom of Information Act 2000**, the contents of this letter may be disclosed by Brighton and Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi).

## Appendix E.

prosecution need not therefore, be cautioned if questions are put for other purposes, for example, to establish his identity, his ownership of, or responsibility for, any vehicle, or the need to search him in the exercise of powers of stop and search." (para 10.1 Code of Practice C, Police and Criminal Evidence Act 1984).

### The Caution

"You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." (para 10.4 Code of Practice C, Police and Criminal Evidence Act 1984 a.a.).

You are not under arrest and you are not obliged to remain here.

I would remind you that you are entitled to legal representation.

09/10/14 14:12

Regency Leisure, West St  
Entered at 14:00. Saw  
[redacted] enter at 14:02.

2 males working. One  
other customer in shirt  
area. 1x staff behind  
desk with grey hair, red jacket

looking at a wall 01  
of CCTV but not looking  
forward to customers.

[redacted] played machine  
next to me. I either  
made stuff number  
mending a machine  
in family area - saw  
him sitting to left  
of the booth at one  
point - black t-shirt,  
jeans, dark hair  
Left at 14:10.

[redacted]  
[redacted]

[redacted]

[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

# APPENDIX A UNIT 2

## SCHEDULE 4

Regulation 8(1)

Form of the notice of intention to hold a review to be given to holder of the premises licence and responsible authorities

### **NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE**

*This notice is given in accordance with regulations made under section 200 of the Gambling Act 2005*

Notice is hereby given that the following licensing authority:

**Brighton & Hove City Council**

Whose address is:

**Regulatory Services, Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP**

Website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which is in force at the following premises:

**Regency Arcade,  
Unit 2  
63-64 West Street  
Brighton  
BN1 2RA**

The following type of premises licence has effect in respect of the premises:

**Adult Gaming Centre premises licence**

**The licensing authority intends to hold the review for the following reasons:**

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. The licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively. (A copy of the application is enclosed with this notice).

The following person connected with the licensing authority is able to give further information about the review:


**Mark Savage-Brookes**

Representations about the proposed review may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during the period of 28 consecutive days beginning on the date on which the notice of the authority's intention to hold the review was given to the licence holder. The last day of the period for making representations is:

**30<sup>th</sup> November 2014**

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- revoke the licence
- suspend the licence for a specified period not exceeding 3 months
- add, remove or amend a condition attached to the licence

I SERVED A DUPLICATE OF THIS NOTICE UPON _____	
CA HEAL & SONS (AMUSEMENTS) LTD	
BY POSTING SAME BY FIRST CLASS POST	
TO	RNI 2RA
ON THIS DAY	30 OF OCTOBER 20 14
SIGNED	

2014/05274/LAREV

**Application for a review of a premises licence under the Gambling Act 2005**

**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.

**Part 1 – Applicant Details**

1. Name of Applicant: Mr M Savage-Brookes, Licensing Officer

*[Where the applicant is an individual please give your first name(s) as well as your surname]*

2. Applicant's address (home ☐ or business ☒ *[check or tick appropriate box]*)

Regulatory Services

Environmental Health & Licensing

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP



3(a) Are you making the application as a responsible authority? Yes ☒ No ☐

3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:

Brighton & Hove City Council Licensing Authority

4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party ☐

4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:

N/A

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

**Part 2 – Premises Details**

5. Give the trading name used at the licensed premises to which the application for a review relates: Regency Arcade

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address should include a postcode:

Unit 2

64 West Street

Brighton

Postcode: BN1 2RA

7. Type of premises:

Casino ☐

Bingo Hall ☐

Adult Gaming Centre ☒

(arcade restricted to those who are 18 or over)

Betting (track) ☐

Betting (other) ☐

Family entertainment centre ☐

(arcade which admits both over and under 18s)

8. Premises licence (if known): 2010/00018/GAAGCN

9. Give the name of the person(s) or organisation(s) in whose name the licence is held.

C A Heal And Sons (Amusements) Ltd.

*[Where an individual is the licence holder please give their first name(s) as well as their surname.]*

### Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

This premises is comprised of a Family Entertainment Centre and, to the rear of the premises an Adult Gaming Centre. The premises holds four separate Adult Gaming Centre Premises Licences in respect of four units situated within the Adult Gaming Centre. The Licensing Team seek to review all four of the Premises Licences as the units are all located close together and form the whole Adult Gaming Centre part of the premises.

On 25th April 2014, the premises was subject to a test purchase, conducted by the Brighton & Hove City Council Licensing Team in partnership with the Gambling Commission. A young person (sixteen year old male) was able to enter the Adult gaming Centre at 14:06 hours and play on an age restricted Category C gambling machine. There were two members of staff present during the time that the young person was on the premises. The young person left the premises ten minutes later without being challenged at any time by staff.

C A Heal And Sons (Amusements) Ltd were written to by Mr Jim Whitelegg, Senior Environmental Health Officer, Brighton & Hove City Council's Environmental Health & Licensing Team, on 1st May 2014, to confirm that they had failed this test purchase and had committed offences under Sections 47 and 46 of the Gambling Act 2005. They were informed that a re-test would occur in the future (Appendix A).

A response to Mr Whitelegg's letter was received on 14th May 2014 (dated 13th May 2014), from Charles Heal, Director of C A Heal And Sons (Amusements) Ltd., confirming that they would do all they can to prevent this from happening in the future (Appendix B).

On 25th June 2014 a licensing inspection of the premises was carried out by Miss Sarah Cornell, Senior Licensing Officer from Brighton & Hove City Council. Miss Cornell met with Charles Heal and discussed the test purchase failure and completed a checklist with him, to ensure that the requirements and conditions of the Adult Gaming Centre Premises Licences were being adhered to. Advice was given regarding age restricted gaming machines and not allowing anyone under the age of 18 on to the premises.

On 9th October 2014, the premises was subject to a second test purchase. A different young person (sixteen year old male) was able to enter the Adult gaming Centre at 14:00 hours and play on two age restricted Category C gambling machines. There were two visible members of staff on the premises, one behind the cash desk and one walking around. The young person left the premises approximately seven minutes later without being challenged at any time by staff (Appendix C). Mark Savage-Brookes acted as Supervising Officer during this visit and was present during the whole time that the young person was in the premises. Mr Savage-Brookes noted what he witnessed straight after the visit (Appendix E).

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. It is clear that the licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively.

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

The Licensing Team feel that it is reasonable and proportionate to seek additional conditions on the licence or other action that the Licensing Sub Committee feels is appropriate.

#### **Part 4 – Supporting Documents**

11. List any supporting documents which you are submitting with the application:

Follow up letter following first failed Test Purchase (Appendix A)

Letter of response received from Charles Heal (Director) (Appendix B)

Test Purchase proforma following second Test Purchase failure (Appendix C)

Follow up letter following second failed Test Purchase (Appendix D)

Supervising Officer notes regarding second Test Purchase (Appendix E)

#### **Part 5 – Declarations and Checklist**

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



I/We understand that it is now necessary to give notice to the licence holder and the responsible authorities in relation to the premises



## Part 6 – Signatures

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

Signature:



Print Name: Mr M Savage-Brookes

Date: 30/10/2014 (dd/mm/yyyy)

Capacity: Licensing Officer

[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

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

## Part 7 – Contact Details

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

Mark Savage-Brookes

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

01273 292100

14. Postal address for correspondence associated with this application:

Environmental Health & Licensing

2<sup>nd</sup> Floor

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP

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

mark.savage-brookes@brighton-hove.gcsx.gov.uk

Mr C Heal  
C A Heal & Sons Amusements Limited  
63-64 West Street  
Brighton  
BN1 2RA

Date: 1<sup>st</sup> May 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292438  
Fax: 01273 292196  
e-mail: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)

Dear Mr C Heal

*2010/00022/GAAGCN*

**Gambling Act 2005 – Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN**  
**Operating licence number: 000-001980-N-104069-004**  
**Operating licence holder: C A Heal & Sons Amusements Limited**  
**Re: Regency Arcade, 63-64 West Street, Brighton BN1 2RA**

Brighton and Hove City Council have been working in partnership with the Gambling Commission to undertake test purchases across a number of different operators, to test the effectiveness of underage gambling policies and procedures at gambling premises. The tests were designed to provide us and the Commission with assurance that licensed operators have sufficient safeguards in place to prevent underage gambling.

On 25 April 2014 we conducted a test purchase at premises operated by you at:

**CA Heal and Sons Amusements, 63-64 West Street, Brighton**  
**Time of Test: 14:06**

A young male entered the adult gaming centre premises at 14:06. There were two staff members on duty in the premises, one at the cash desk and the other floor-walking. There were approximately three other customers on the premises at the time. The young person played a gaming machine and exited the premises ten minutes after entering without being challenged for his age at any time.

Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

We request that you respond in writing to this letter by 14 May 2014 to inform us how you will address the weaknesses in your underage gambling procedures shown by this test. Please be aware that Brighton and Hove Council intend to conduct a re-test of your gambling premises in the future, and should that test again show weaknesses, consideration may be given to initiating a review of your premises licence. Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Yours sincerely,

Jim Whitelegg  
Senior Environmental Health Officer  
Environmental Health & Licensing

c.c. C A Heal & Sons Amusements Ltd, 4 King Square, Bridgwater, Somerset, TA6 3YF  
Andy Isaacs, Compliance Manager, Gambling Commission

If requested by a third party, under the provisions of the **Freedom of Information Act 2000**, the contents of this letter may be disclosed by Brighton and Hove City Council. For further advice please **contact** (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi).

## Appendix B.



Regency Leisure Arcade  
63-64 West Street  
Brighton  
East Sussex  
BN1 2RA

13<sup>th</sup> May 2014

Your Ref: 2014/04154/GAPREM/EH

Regulatory Services  
Public Health  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Email: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)  
**BY EMAIL AND POST**

Dear Mr J Whitelegg,

**Test Purchase carried out on Regency Leisure Arcade, 63-64 West Street, Brighton, BN1 2RA.**

**Gambling Act 2005 - Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN**  
**Operating Licence number: 000-001980-N-104069-004**  
**Operating Licence holder: C A Heal & Sons (Amusements) Ltd**

We acknowledge receipt of your letter dated 1st May 2014 and are very disappointed to learn we had recently failed a test purchase carried out on the above mentioned premises on 25th April 2014 at 14:06.

As a company we take this momentary lack of vigilance extremely seriously and as a result of this recent event have taken advice from Mr Phil Silver, a BACTA compliance officer for the southern area. He has recommended the following:

- Further staff training which highlights the importance of ensuring no persons under the age of 18 are permitted into the adult areas to participate in gambling.
- A random independent test purchase to ensure training has been effective.

In addition, please note our own internal arrangements:

- A staff meeting was called as soon as was practically possible to discuss the findings of the test purchase to reiterate to all staff members the seriousness of this incident and the potential consequences for them as employees, us as a company and myself as a Company Director.

As mentioned, this is extremely disappointing and embarrassing for us to experience. We have traded in West Street as an amusement arcade since 1981 and pride ourselves on our professional relationships with our customers and our compliance and implementation of BACTA policies.

However, we note and respect your findings and will do all we can to ensure this incident is not repeated.

We therefore welcome a repeat test purchase as you have indicated; confident the outcome will be different.

I look forward to hearing from you at your earliest possible convenience.

Yours sincerely,

A handwritten signature in cursive script that reads "Charles Heal".

**Charles Heal**

Director

A black rectangular redaction mark covering a line of text, likely a phone number or email address.

**Proforma - YP name.**

**Name of First Officer entering premises.** MARK SAVAGE-BROOKES

**Name of Second Officer.** SARAH CORNELL

Date 9/10/14

Time YP entered premises 14:00

Time YP exited premises 14:07

Name/address of premises/operator 64 Regency Arcade, West Street, Brighton

*The YP should have been fully briefed by a responsible officer, including health and safety, test methodology, and information on crediting and playing a gaming machine (e.g. Category C for an AGC, which will be £70 prize, though some older models may be £35 or £25 prize..... Category B2/B3 in betting premises, and the YP should be encouraged to play at 25 pence stakes to reduce gambling exposure).*

**Young person's report to responsible officer (as soon as test is complete):**

Point of challenge (if any):

- I was challenged when attempting to enter the premises***

Description of circumstances e.g. I was asked for ID, I was asked not to enter.....

- I was allowed to access the premises unchallenged - but I was challenged at some point between entering the premises and before I put money into a machine***

Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff, I was asked to leave the premises, I was asked whether I had gambled yet

- I was allowed to access the premises unchallenged, and allowed to insert money into a machine – but I was challenged while playing a machine***

Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff while playing the machine, I was asked to leave, I was asked how much I had spent or how much I had won

## RESTRICTED – OPERATIONS

- *I was allowed to access the premises unchallenged, and allowed to insert money into a machine. I played the machine for around five to seven minutes without being challenged. I then tried to leave the premises but was challenged while trying to do so.*

Description of circumstances e.g. I had walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID when trying to leave premises, I was asked to leave, I was asked how much I had spent or how much I had won

- I entered the premises with £<sup>10</sup> to play machines with. I left the premises with £<sup>0</sup> (to be returned to responsible officer).

- (other scenario or additional comments)

At no point was YP challenged, walked around for a while and then played machine. Man sitting behind counter reading something. In AGC area £100 jackpot machine and other machine slightly less.

Signed B. Orrell Date 9/10/14 Time 14:15

C A Heal & Sons (Amusements) Ltd.  
4 King Square  
Brigdwater  
Somerset  
TA6 3YF

Date: 15 October 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292100  
Email: mark.savage-brookes@brighton-hove.gcsx.gov.uk

Dear Sir/Madam,

**Gambling Act 2005 – Adult Gaming Centre Premises Licences:  
2010/00017/GAAGCN (Unit 1), 2010/00018/GAAGCN (Unit 2),  
2010/00021/GAAGCN (Unit 3) & 2010/00022/GAAGCN (Unit 4)  
Operating licence number: 000-001980-N-104069-005  
Operating licence holder: C A Heal & Sons (Amusements) Limited  
Re: Regency Arcade, 64 West Street, Brighton, BN1 2RA**

We wrote to you on 1<sup>st</sup> May 2014 to inform you of a test purchase carried out at a premises operated by you at 64 West Street, Brighton. In this letter we confirmed that your staff failed to prevent a young person from entering the adult gaming centre part of the premises and playing a gambling machine.

In the same letter we confirmed that we would conduct a re-test of the premises in the future. This re-test was carried out on 9<sup>th</sup> October 2014.

A 16 year old male entered the betting premises at approximately 14:00 hours. There were two visible members of staff on duty on the premises, one male behind the cash desk and one other male walking around. In addition to the supervising officer, there was one other customer in the adult gaming area. The young person walked around the adult gaming area for a period before playing on two Category C gambling machines. He exited the premises approximately seven minutes after entering without being challenged for his age at any time.

As already confirmed in our previous letter, Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

Due to this second failure to prevent a young person from entering the premises and permitting him to gamble, I now write to confirm that we will be applying for a Review of your Adult Gaming Centre Premises Licences.

Notice of our application for Review will be sent to you in the near future. If you wish to discuss the contents of this letter with me, please contact me on the above contact details.

Yours sincerely,

Mark Savage-Brookes  
Licensing Officer  
Environmental Health & Licensing

c.c. Regency Arcade, 64 West Street, Brighton, BN1 2RA (by hand)  
Compliance Manager, Gambling Commission (via email)

If requested by a third party, under the provisions of the **Freedom of Information Act 2000**, the contents of this letter may be disclosed by Brighton and Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi).

## Appendix E.

prosecution need not therefore be cautioned if questions are put for other purposes, for example, to establish his identity, his ownership of, or responsibility for, any vehicle, or the need to search him in the exercise of powers of stop and search." (para 10.1 Code of Practice C, Police and Criminal Evidence Act 1984).

### The Caution

"You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." (para 10.4 Code of Practice C, Police and Criminal Evidence Act 1984 a.a.)

You are not under arrest and you are not obliged to remain here.

I would remind you that you are entitled to legal representation.

09/10/14 14:12

Regency Leisure, West St  
Entered at 14:00. Saw  
[redacted] enter at 14:02.

2 males working. One  
other customer in shirt  
2552. 1x staff behind  
desk with grey hair, suit jacket

looking at a wall 01  
of CCTV but not looking  
focused to customers.

[REDACTED] played machine  
next to me. I either  
made stuff number  
mending a machine  
in family area - saw  
him sitting to left  
of the booth at one  
point - black t-shirt,  
jeans, dark hair  
Left at 14:10.

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

# APPENDIX A UNIT 3

SCHEDULE 4

Regulation 8(1)

Form of the notice of intention to hold a review to be given to holder of the premises licence and responsible authorities

## **NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE**

*This notice is given in accordance with regulations made under section 200 of the Gambling Act 2005*

Notice is hereby given that the following licensing authority:

**Brighton & Hove City Council**

Whose address is:

**Regulatory Services, Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP**

Website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which is in force at the following premises:

**Regency Arcade,  
Unit 3  
63-64 West Street  
Brighton  
BN1 2RA**

The following type of premises licence has effect in respect of the premises:

**Adult Gaming Centre premises licence**

**The licensing authority intends to hold the review for the following reasons:**

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. The licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively. (A copy of the application is enclosed with this notice).

The following person connected with the licensing authority is able to give further information about the review:

**Mark Savage-Brookes**

Representations about the proposed review may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during the period of 28 consecutive days beginning on the date on which the notice of the authority's intention to hold the review was given to the licence holder. The last day of the period for making representations is:

**30<sup>th</sup> November 2014**

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- revoke the licence
- suspend the licence for a specified period not exceeding 3 months
- add, remove or amend a condition attached to the licence

PLACED & DATE OF THIS NOTICE UPON \_\_\_\_\_  
CA HEAL & SONS (AMUSEMENTS) LTD  
SNI 2RA  
30 OF OCTOBER 2014  
SIGNED \_\_\_\_\_

2014/05272 / GALEV

**Application for a review of a premises licence under the Gambling Act 2005**

**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.

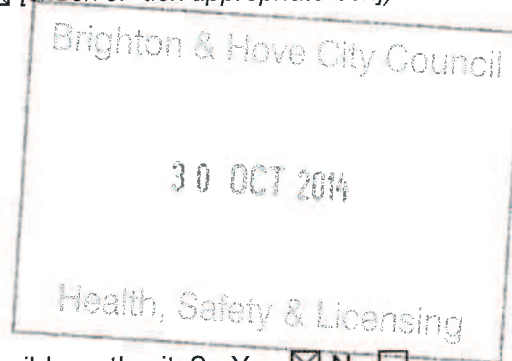
**Part 1 – Applicant Details**

1. Name of Applicant: Mr M Savage-Brookes, Licensing Officer  
*[Where the applicant is an individual please give your first name(s) as well as your surname]*

2. Applicant's address (home ☐ or business ☒ *[check or tick appropriate box]*)

Regulatory Services  
Environmental Health & Licensing  
Bartholomew House  
Bartholomew Square  
Brighton

Postcode: BN1 1JP



3(a) Are you making the application as a responsible authority? Yes ☒ No ☐

3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:  
Brighton & Hove City Council Licensing Authority

4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party ☐

4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:

N/A

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

**Part 2 – Premises Details**

5. Give the trading name used at the licensed premises to which the application for a review relates: Regency Arcade

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address should include a postcode:

Unit 3

64 West Street

Brighton

Postcode: BN1 2RA

7. Type of premises:

Casino ☐

Bingo Hall ☐

Adult Gaming Centre ☒

*(arcade restricted to those who are 18 or over)*

Betting (track) ☐

Betting (other) ☐

Family entertainment centre ☐

*(arcade which admits both over and under 18s)*

8. Premises licence (if known): 2010/00021/GAAGCN

9. Give the name of the person(s) or organisation(s) in whose name the licence is held.

C A Heal And Sons (Amusements) Ltd.

*[Where an individual is the licence holder please give their first name(s) as well as their surname.]*

### Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

This premises is comprised of a Family Entertainment Centre and, to the rear of the premises an Adult Gaming Centre. The premises holds four separate Adult Gaming Centre Premises Licences in respect of four units situated within the Adult Gaming Centre. The Licensing Team seek to review all four of the Premises Licences as the units are all located close together and form the whole Adult Gaming Centre part of the premises.

On 25th April 2014, the premises was subject to a test purchase, conducted by the Brighton & Hove City Council Licensing Team in partnership with the Gambling Commission. A young person (sixteen year old male) was able to enter the Adult gaming Centre at 14:06 hours and play on an age restricted Category C gambling machine. There were two members of staff present during the time that the young person was on the premises. The young person left the premises ten minutes later without being challenged at any time by staff.

C A Heal And Sons (Amusements) Ltd were written to by Mr Jim Whitelegg, Senior Environmental Health Officer, Brighton & Hove City Council's Environmental Health & Licensing Team, on 1st May 2014, to confirm that they had failed this test purchase and had committed offences under Sections 47 and 46 of the Gambling Act 2005. They were informed that a re-test would occur in the future (Appendix A).

A response to Mr Whitelegg's letter was received on 14th May 2014 (dated 13th May 2014), from Charles Heal, Director of C A Heal And Sons (Amusements) Ltd., confirming that they would do all they can to prevent this from happening in the future (Appendix B).

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The premises has now been the subject to two test purchases and failed both after receiving advice following the first. It is clear that the licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively.

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

The Licensing Team feel that it is reasonable and proportionate to seek additional conditions on the licence or other action that the Licensing Sub Committee feels is appropriate.

#### **Part 4 – Supporting Documents**

11. List any supporting documents which you are submitting with the application:

Follow up letter following first failed Test Purchase (Appendix A)

Letter of response received from Charles Heal (Director) (Appendix B)

Test Purchase proforma following second Test Purchase failure (Appendix C)

Follow up letter following second failed Test Purchase (Appendix D)

Supervising Officer notes regarding second Test Purchase (Appendix E)

#### **Part 5 – Declarations and Checklist**

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



**I/We understand that it is now necessary to give notice to the licence holder and the responsible authorities in relation to the premises**



## Part 6 – Signatures

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

Signature:



Print Name: Mr M Savage-Brookes

Date: 30/10/2014

(dd/mm/yyyy)

Capacity: Licensing Officer

[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

[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.]

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

Mark Savage-Brookes

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

01273 292100

14. Postal address for correspondence associated with this application:

Environmental Health & Licensing

2<sup>nd</sup> Floor

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP

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

mark.savage-brookes@brighton-hove.gcsx.gov.uk

Mr C Heal  
C A Heal & Sons Amusements Limited  
63-64 West Street  
Brighton  
BN1 2RA

Date: 1<sup>st</sup> May 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292438  
Fax: 01273 292196  
e-mail: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)

Dear Mr C Heal

*2010/00022 / GAAGCN*

**Gambling Act 2005 – Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN**  
**Operating licence number: 000-001980-N-104069-004**  
**Operating licence holder: C A Heal & Sons Amusements Limited**  
**Re: Regency Arcade, 63-64 West Street, Brighton BN1 2RA**

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On 25 April 2014 we conducted a test purchase at premises operated by you at:

**CA Heal and Sons Amusements, 63-64 West Street, Brighton**  
**Time of Test: 14:06**

A young male entered the adult gaming centre premises at 14:06. There were two staff members on duty in the premises, one at the cash desk and the other floor-walking. There were approximately three other customers on the premises at the time. The young person played a gaming machine and exited the premises ten minutes after entering without being challenged for his age at any time.

Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

We request that you respond in writing to this letter by 14 May 2014 to inform us how you will address the weaknesses in your underage gambling procedures shown by this test. Please be aware that Brighton and Hove Council intend to conduct a re-test of your gambling premises in the future, and should that test again show weaknesses, consideration may be given to initiating a review of your premises licence.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Yours sincerely,

Jim Whitelegg  
Senior Environmental Health Officer  
Environmental Health & Licensing

c.c. C A Heal & Sons Amusements Ltd, 4 King Square, Bridgwater, Somerset, TA6 3YF  
Andy Isaacs, Compliance Manager, Gambling Commission

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## Appendix B.



Regency Leisure Arcade  
63-64 West Street  
Brighton  
East Sussex  
BN1 2RA

13<sup>th</sup> May 2014

Your Ref: 2014/04154/GAPREM/EH

Regulatory Services  
Public Health  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Email: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)  
**BY EMAIL AND POST**

Dear Mr J Whitelegg,

**Test Purchase carried out on Regency Leisure Arcade, 63-64 West Street, Brighton, BN1 2RA.**

**Gambling Act 2005 - Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN**  
**Operating Licence number: 000-001980-N-104069-004**  
**Operating Licence holder: C A Heal & Sons (Amusements) Ltd**

We acknowledge receipt of your letter dated 1st May 2014 and are very disappointed to learn we had recently failed a test purchase carried out on the above mentioned premises on 25th April 2014 at 14:06.

As a company we take this momentary lack of vigilance extremely seriously and as a result of this recent event have taken advice from Mr Phil Silver, a BACTA compliance officer for the southern area. He has recommended the following:

- Further staff training which highlights the importance of ensuring no persons under the age of 18 are permitted into the adult areas to participate in gambling.
- A random independent test purchase to ensure training has been effective.

In addition, please note our own internal arrangements:

- A staff meeting was called as soon as was practically possible to discuss the findings of the test purchase to reiterate to all staff members the seriousness of this incident and the potential consequences for them as employees, us as a company and myself as a Company Director.

As mentioned, this is extremely disappointing and embarrassing for us to experience. We have traded in West Street as an amusement arcade since 1981 and pride ourselves on our professional relationships with our customers and our compliance and implementation of BACTA policies.

However, we note and respect your findings and will do all we can to ensure this incident is not repeated.

We therefore welcome a repeat test purchase as you have indicated; confident the outcome will be different.

I look forward to hearing from you at your earliest possible convenience.

Yours sincerely,

A handwritten signature in cursive script that reads "Charles Heal".

**Charles Heal**  
Director

**Proforma - YP name.****Name of First Officer entering premises.....** MARK SAVAGE-BROOKES**Name of Second Officer.....** SARAH CORNELL

Date..... 9/10/14

Time YP entered premises..... 14:00

Time YP exited premises..... 14:07

Name/address of premises/operator..... 64  
Regency Arcade, West Street, Brighton

*The YP should have been fully briefed by a responsible officer, including health and safety, test methodology, and information on crediting and playing a gaming machine (e.g. Category C for an AGC, which will be £70 prize, though some older models may be £35 or £25 prize..... Category B2/B3 in betting premises, and the YP should be encouraged to play at 25 pence stakes to reduce gambling exposure).*

**Young person's report to responsible officer (as soon as test is complete):**

Point of challenge (if any):

- I was challenged when attempting to enter the premises***  
 Description of circumstances e.g. I was asked for ID, I was asked not to enter.....  
 .....  
 .....
- I was allowed to access the premises unchallenged - but I was challenged at some point between entering the premises and before I put money into a machine***  
 Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff, I was asked to leave the premises, I was asked whether I had gambled yet  
 .....  
 .....  
 .....
- I was allowed to access the premises unchallenged, and allowed to insert money into a machine – but I was challenged while playing a machine***  
 Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff while playing the machine, I was asked to leave, I was asked how much I had spent or how much I had won  
 .....  
 .....

## RESTRICTED – OPERATIONS

- *I was allowed to access the premises unchallenged, and allowed to insert money into a machine. I played the machine for around five to seven minutes without being challenged. I then tried to leave the premises but was challenged while trying to do so.*

Description of circumstances e.g. I had walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID when trying to leave premises, I was asked to leave, I was asked how much I had spent or how much I had won

- I entered the premises with £<sup>10</sup>..... to play machines with. I left the premises with £<sup>0</sup>..... (to be returned to responsible officer).

- (other scenario or additional comments).....

*At no point was YP challenged, walked around for a while and then played machine. Man sitting behind counter reading something. In AGC area £100 jackpot machine and other machine slightly less.*

Signed *B. Orrell* Date *9/10/14* Time *14.15*

C A Heal & Sons (Amusements) Ltd.  
4 King Square  
Brigdwater  
Somerset  
TA6 3YF

Date: 15 October 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292100  
Email: mark.savage-brookes@brighton-hove.gcsx.gov.uk

Dear Sir/Madam,

**Gambling Act 2005 – Adult Gaming Centre Premises Licences:  
2010/00017/GAAGCN (Unit 1), 2010/00018/GAAGCN (Unit 2),  
2010/00021/GAAGCN (Unit 3) & 2010/00022/GAAGCN (Unit 4)  
Operating licence number: 000-001980-N-104069-005  
Operating licence holder: C A Heal & Sons (Amusements) Limited  
Re: Regency Arcade, 64 West Street, Brighton, BN1 2RA**

We wrote to you on 1<sup>st</sup> May 2014 to inform you of a test purchase carried out at a premises operated by you at 64 West Street, Brighton. In this letter we confirmed that your staff failed to prevent a young person from entering the adult gaming centre part of the premises and playing a gambling machine.

In the same letter we confirmed that we would conduct a re-test of the premises in the future. This re-test was carried out on 9<sup>th</sup> October 2014.


A 16 year old male entered the betting premises at approximately 14:00 hours. There were two visible members of staff on duty on the premises, one male behind the cash desk and one other male walking around. In addition to the supervising officer, there was one other customer in the adult gaming area. The young person walked around the adult gaming area for a period before playing on two Category C gambling machines. He exited the premises approximately seven minutes after entering without being challenged for his age at any time.

As already confirmed in our previous letter, Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

Due to this second failure to prevent a young person from entering the premises and permitting him to gamble, I now write to confirm that we will be applying for a Review of your Adult Gaming Centre Premises Licences.

Notice of our application for Review will be sent to you in the near future. If you wish to discuss the contents of this letter with me, please contact me on the above contact details.

Yours sincerely,

  
Mark Savage-Brookes  
Licensing Officer  
Environmental Health & Licensing

c.c. Regency Arcade, 64 West Street, Brighton, BN1 2RA (by hand)  
Compliance Manager, Gambling Commission (via email)

If requested by a third party, under the provisions of the **Freedom of Information Act 2000**, the contents of this letter may be disclosed by Brighton and Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi).

## Appendix E.

prosecution. He need not therefore be cautioned if questions are put for other purposes, for example to establish his identity, his ownership of, or responsibility for, any vehicle, or the need to search him in the exercise of powers of stop and search." (para 10.1 Code of Practice C, Police and Criminal Evidence Act 1984).

### The Caution

"You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." (para 10.4 Code of Practice C, Police and Criminal Evidence Act 1984 a.a.).

You are not under arrest and you are not obliged to remain here.

I would remind you that you are entitled to legal representation.

09/10/14 14:12

Agency Leisure, West St  
Entered at 14:00. Saw  
[redacted] enter at 14:02.

2 males working. one  
other customer in shirt  
area. 1x staff behind  
desk with grey hair, red jacket



# APPENDIX A UNIT 4

## SCHEDULE 4

Regulation 8(1)

Form of the notice of intention to hold a review to be given to holder of the premises licence and responsible authorities

### **NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE**

*This notice is given in accordance with regulations made under section 200 of the Gambling Act 2005*

Notice is hereby given that the following licensing authority:

**Brighton & Hove City Council**

Whose address is:

**Regulatory Services, Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP**

Website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which is in force at the following premises:

**Regency Arcade,  
Unit 4  
63-64 West Street  
Brighton  
BN1 2RA**

The following type of premises licence has effect in respect of the premises:

**Adult Gaming Centre premises licence**

**The licensing authority intends to hold the review for the following reasons:**

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. The licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively. (A copy of the application is enclosed with this notice).

The following person connected with the licensing authority is able to give further information about the review:

**Mark Savage-Brookes**

Representations about the proposed review may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during the period of 28 consecutive days beginning on the date on which the notice of the authority's intention to hold the review was given to the licence holder. The last day of the period for making representations is:

**30<sup>th</sup> November 2014**

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- revoke the licence
- suspend the licence for a specified period not exceeding 3 months
- add, remove or amend a condition attached to the licence

I SERVED A DUPLICATE OF THIS NOTICE UPON _____	
CA HEAL & SONS (AMUSEMENTS) LTD	
BY POSTING SAME BY FIRST CLASS POST	
TO <u>Bri 2ea</u>	
ON THIS DAY <u>30</u> OF <u>OCTOBER</u> 20 <u>14</u>	
SIGNED	<u>[Signature]</u>

2014 / 05271 / GAREV

## Application for a review of a premises licence under the Gambling Act 2005

### 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.

#### Part 1 – Applicant Details

1. Name of Applicant: Mr M Savage-Brookes, Licensing Officer

*[Where the applicant is an individual please give your first name(s) as well as your surname]*

2. Applicant's address (home ☐ or business ☒ *[check or tick appropriate box]*)

Regulatory Services

Environmental Health & Licensing

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP

Brighton & Hove City Council

30 OCT 2014

Health, Safety & Licensing

3(a) Are you making the application as a responsible authority? Yes ☒ No ☐

3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:

Brighton & Hove City Council Licensing Authority

4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party ☐

4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:

N/A

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

#### Part 2 – Premises Details

5. Give the trading name used at the licensed premises to which the application for a review relates: Regency Arcade

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address should include a postcode:

Unit 4

64 West Street

Brighton

Postcode: BN1 2RA

7. Type of premises:

Casino ☐

Bingo Hall ☐

Adult Gaming Centre ☒

(arcade restricted to those who are 18 or over)

Betting (track) ☐

Betting (other) ☐

Family entertainment centre ☐

(arcade which admits both over and under 18s)

8. Premises licence (if known): 2010/00022/GAAGCN

9. Give the name of the person(s) or organisation(s) in whose name the licence is held.

C A Heal And Sons (Amusements) Ltd.

*[Where an individual is the licence holder please give their first name(s) as well as their surname.]*

### Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

This premises is comprised of a Family Entertainment Centre and, to the rear of the premises an Adult Gaming Centre. The premises holds four separate Adult Gaming Centre Premises Licences in respect of four units situated within the Adult Gaming Centre. The Licensing Team seek to review all four of the Premises Licences as the units are all located close together and form the whole Adult Gaming Centre part of the premises.

On 25th April 2014, the premises was subject to a test purchase, conducted by the Brighton & Hove City Council Licensing Team in partnership with the Gambling Commission. A young person (sixteen year old male) was able to enter the Adult gaming Centre at 14:06 hours and play on an age restricted Category C gambling machine. There were two members of staff present during the time that the young person was on the premises. The young person left the premises ten minutes later without being challenged at any time by staff.

C A Heal And Sons (Amusements) Ltd were written to by Mr Jim Whitelegg, Senior Environmental Health Officer, Brighton & Hove City Council's Environmental Health & Licensing Team, on 1st May 2014, to confirm that they had failed this test purchase and had committed offences under Sections 47 and 46 of the Gambling Act 2005. They were informed that a re-test would occur in the future (Appendix A).

A response to Mr Whitelegg's letter was received on 14th May 2014 (dated 13th May 2014), from Charles Heal, Director of C A Heal And Sons (Amusements) Ltd., confirming that they would do all they can to prevent this from happening in the future (Appendix B).

On 25th June 2014 a licensing inspection of the premises was carried out by Miss Sarah Cornell, Senior Licensing Officer from Brighton & Hove City Council. Miss Cornell met with Charles Heal and discussed the test purchase failure and completed a checklist with him, to ensure that the requirements and conditions of the Adult Gaming Centre Premises Licences were being adhered to. Advice was given regarding age restricted gaming machines and not allowing anyone under the age of 18 on to the premises.

On 9th October 2014, the premises was subject to a second test purchase. A different young person (sixteen year old male) was able to enter the Adult gaming Centre at 14:00 hours and play on two age restricted Category C gambling machines. There were two visible members of staff on the premises, one behind the cash desk and one walking around. The young person left the premises approximately seven minutes later without being challenged at any time by staff (Appendix C). Mark Savage-Brookes acted as Supervising Officer during this visit and was present during the whole time that the young person was in the premises. Mr Savage-Brookes noted what he witnessed straight after the visit (Appendix E).

The premises has now been the subject to two test purchases and failed both after receiving advice following the first. It is clear that the licensing objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling, is not being promoted effectively.

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

The Licensing Team feel that it is reasonable and proportionate to seek additional conditions on the licence or other action that the Licensing Sub Committee feels is appropriate.

#### Part 4 – Supporting Documents

11. List any supporting documents which you are submitting with the application:

Follow up letter following first failed Test Purchase (Appendix A)

Letter of response received from Charles Heal (Director) (Appendix B)

Test Purchase proforma following second Test Purchase failure (Appendix C)

Follow up letter following second failed Test Purchase (Appendix D)

Supervising Officer notes regarding second Test Purchase (Appendix E)

#### Part 5 – Declarations and Checklist

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



I/We understand that it is now necessary to give notice to the licence holder and the responsible authorities in relation to the premises



## Part 6 – Signatures

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

Signature:



Print Name: Mr M Savage-Brookes

Date: 30/10/2014 (dd/mm/yyyy)

Capacity: Licensing Officer

[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

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

## Part 7 – Contact Details

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

Mark Savage-Brookes

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

01273 292100

14. Postal address for correspondence associated with this application:

Environmental Health & Licensing

2<sup>nd</sup> Floor

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP

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

mark.savage-brookes@brighton-hove.gcsx.gov.uk

Mr C Heal  
C A Heal & Sons Amusements Limited  
63-64 West Street  
Brighton  
BN1 2RA

Date: 1<sup>st</sup> May 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292438  
Fax: 01273 292196  
e-mail: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)

Dear Mr C Heal

*2010/00022/GAAGCN*

**Gambling Act 2005 – Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN**  
**Operating licence number: 000-001980-N-104069-004**  
**Operating licence holder: C A Heal & Sons Amusements Limited**  
**Re: Regency Arcade, 63-64 West Street, Brighton BN1 2RA**

Brighton and Hove City Council have been working in partnership with the Gambling Commission to undertake test purchases across a number of different operators, to test the effectiveness of underage gambling policies and procedures at gambling premises. The tests were designed to provide us and the Commission with assurance that licensed operators have sufficient safeguards in place to prevent underage gambling.

On 25 April 2014 we conducted a test purchase at premises operated by you at:

**CA Heal and Sons Amusements, 63-64 West Street, Brighton**  
**Time of Test: 14:06**

A young male entered the adult gaming centre premises at 14:06. There were two staff members on duty in the premises, one at the cash desk and the other floor-walking. There were approximately three other customers on the premises at the time. The young person played a gaming machine and exited the premises ten minutes after entering without being challenged for his age at any time.

Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

We request that you respond in writing to this letter by 14 May 2014 to inform us how you will address the weaknesses in your underage gambling procedures shown by this test. Please be aware that Brighton and Hove Council intend to conduct a re-test of your gambling premises in the future, and should that test again show weaknesses, consideration may be given to initiating a review of your premises licence. Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Yours sincerely,

Jim Whitelegg  
Senior Environmental Health Officer  
Environmental Health & Licensing

c.c. C A Heal & Sons Amusements Ltd, 4 King Square, Bridgwater, Somerset, TA6 3YF  
Andy Isaacs, Compliance Manager, Gambling Commission

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## Appendix B.



Regency Leisure Arcade  
63-64 West Street  
Brighton  
East Sussex  
BN1 2RA

13<sup>th</sup> May 2014

Your Ref: 2014/04154/GAPREM/EH

Regulatory Services  
Public Health  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Email: [jim.whitelegg@brighton-hove.gcsx.gov.uk](mailto:jim.whitelegg@brighton-hove.gcsx.gov.uk)  
**BY EMAIL AND POST**

Dear Mr J Whitelegg,

**Test Purchase carried out on Regency Leisure Arcade, 63-64 West Street, Brighton, BN1 2RA.**

**Gambling Act 2005 - Adult Gaming Centre Premises Licence: 2010/00017/GAAGCN  
Operating Licence number: 000-001980-N-104069-004  
Operating Licence holder: C A Heal & Sons (Amusements) Ltd**

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As a company we take this momentary lack of vigilance extremely seriously and as a result of this recent event have taken advice from Mr Phil Silver, a BACTA compliance officer for the southern area. He has recommended the following:

- Further staff training which highlights the importance of ensuring no persons under the age of 18 are permitted into the adult areas to participate in gambling.
- A random independent test purchase to ensure training has been effective.

In addition, please note our own internal arrangements:

- A staff meeting was called as soon as was practically possible to discuss the findings of the test purchase to reiterate to all staff members the seriousness of this incident and the potential consequences for them as employees, us as a company and myself as a Company Director.

As mentioned, this is extremely disappointing and embarrassing for us to experience. We have traded in West Street as an amusement arcade since 1981 and pride ourselves on our professional relationships with our customers and our compliance and implementation of BACTA policies.

However, we note and respect your findings and will do all we can to ensure this incident is not repeated.

We therefore welcome a repeat test purchase as you have indicated; confident the outcome will be different.

I look forward to hearing from you at your earliest possible convenience.

Yours sincerely,

A handwritten signature in cursive script that reads "Charles Heal".

**Charles Heal**  
Director

**Proforma - YP name.**Name of First Officer entering premises... MARK SAVAGE-BROOKESName of Second Officer..... SARAH CORNELLDate... 9/10/14Time YP entered premises... 14:00Time YP exited premises... 14:07Name/address of premises/operator..... 64 Regency Arcade, West Street, Brighton

The YP *should* have been fully briefed by a responsible officer, including health and safety, test methodology, and information on crediting and playing a gaming machine (e.g. *Category C* for an AGC, which will be £70 prize, though some older models may be £35 or £25 prize..... *Category B2/B3* in betting premises, and the YP should be encouraged to play at 25 pence stakes to reduce gambling exposure).

Young person's report to responsible officer (as soon as test is complete):

Point of challenge (if any):

- I was challenged when attempting to enter the premises***  
 Description of circumstances e.g. I was asked for ID, I was asked not to enter.....  
 .....  
 .....
- I was allowed to access the premises unchallenged - but I was challenged at some point between entering the premises and before I put money into a machine***  
 Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff, I was asked to leave the premises, I was asked whether I had gambled yet  
 .....  
 .....  
 .....
- I was allowed to access the premises unchallenged, and allowed to insert money into a machine – but I was challenged while playing a machine***  
 Description of circumstances e.g. I walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID by staff while playing the machine, I was asked to leave, I was asked how much I had spent or how much I had won  
 .....  
 .....

## RESTRICTED – OPERATIONS

- *I was allowed to access the premises unchallenged, and allowed to insert money into a machine. I played the machine for around five to seven minutes without being challenged. I then tried to leave the premises but was challenged while trying to do so.*

Description of circumstances e.g. I had walked around for at least 60 seconds, in open view, before selecting a machine. I was asked for ID when trying to leave premises, I was asked to leave, I was asked how much I had spent or how much I had won

- I entered the premises with £10 to play machines with. I left the premises with £0 (to be returned to responsible officer).

- (other scenario or additional comments)

At no point was YP challenged, walked around for a while and then played machine. Man sitting behind counter reading something. In AGC area £100 jackpot machine and other machine slightly less.

Signed AKOraeth Date 9/10/14 Time 14.15

C A Heal & Sons (Amusements) Ltd.  
4 King Square  
Brigdwater  
Somerset  
TA6 3YF

Date: 15 October 2014  
Our Ref: 2014/04154/GAPREM/EH  
Phone: 01273 292100  
Email: mark.savage-brookes@brighton-hove.gcsx.gov.uk

Dear Sir/Madam,

**Gambling Act 2005 – Adult Gaming Centre Premises Licences:  
2010/00017/GAAGCN (Unit 1), 2010/00018/GAAGCN (Unit 2),  
2010/00021/GAAGCN (Unit 3) & 2010/00022/GAAGCN (Unit 4)  
Operating licence number: 000-001980-N-104069-005  
Operating licence holder: C A Heal & Sons (Amusements) Limited  
Re: Regency Arcade, 64 West Street, Brighton, BN1 2RA**

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In the same letter we confirmed that we would conduct a re-test of the premises in the future. This re-test was carried out on 9<sup>th</sup> October 2014.

A 16 year old male entered the betting premises at approximately 14:00 hours. There were two visible members of staff on duty on the premises, one male behind the cash desk and one other male walking around. In addition to the supervising officer, there was one other customer in the adult gaming area. The young person walked around the adult gaming area for a period before playing on two Category C gambling machines. He exited the premises approximately seven minutes after entering without being challenged for his age at any time.

As already confirmed in our previous letter, Section 47 of the Gambling Act provides that a person commits an offence if they permit a child or young person to enter premises where an adult gaming centre licence has effect. Further, Section 46 of that Act states that a person commits an offence if they invite or permit a child or young person to gamble. The Licence Conditions and Codes of Practice also require operators to have policies and procedures for preventing underage gambling, and that operators must monitor the effectiveness of these.

Due to this second failure to prevent a young person from entering the premises and permitting him to gamble, I now write to confirm that we will be applying for a Review of your Adult Gaming Centre Premises Licences.

Notice of our application for Review will be sent to you in the near future. If you wish to discuss the contents of this letter with me, please contact me on the above contact details.

Yours sincerely,

Mark Savage-Brookes  
Licensing Officer  
Environmental Health & Licensing

c.c. Regency Arcade, 64 West Street, Brighton, BN1 2RA (by hand)  
Compliance Manager, Gambling Commission (via email)

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## Appendix E.

prosecution need not therefore be cautioned if questions are put for other purposes, for example to establish his identity, his ownership of, or responsibility for, any vehicle, or the need to search him in the exercise of powers of stop and search." (para 10.1 Code of Practice C, Police and Criminal Evidence Act 1984).

### The Caution

"You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." (para 10.4 Code of Practice C, Police and Criminal Evidence Act 1984 a.a.).

You are not under arrest and you are not obliged to remain here.

I would remind you that you are entitled to legal representation.

09/10/14 14:12

Kiency Leisure, West St  
Entered at 14:00. Saw  
[redacted] enter at 14:02.

2 males working. One  
other customer in adult  
area. 1x staff behind  
desk with grey hair, suit jacket



# APPENDIX B

Premises licence number:

2010/00017/GAAGCN

## ADULT GAMING CENTRE PREMISES LICENCE

This licence is issued under section 164 of the Gambling Act 2005 by

**Brighton and Hove City Council**

### Part 1 - Details of person to whom licence is issued

**C A Heal And Sons (Amusements) Ltd.**

of the following address:

**4 King Square  
Bridgwater  
Somerset  
TA6 3YF**

Who holds an operating licence which has been given the following operating licence number by the Gambling Commission:

**Gambling Commission Operating licence number: 000-001980-N-101181-001**

### Part 2 – Details of the premises in respect of which the licence is issued:

Facilities for gambling may be provided in accordance with this licence on the following premises:

**Unit 1  
64 West Street  
Brighton  
BN1 2RA**

### Part 3 – Premises licence details

This licence comes into effect on:

**14<sup>th</sup> January 2010**

This licence is of unlimited duration

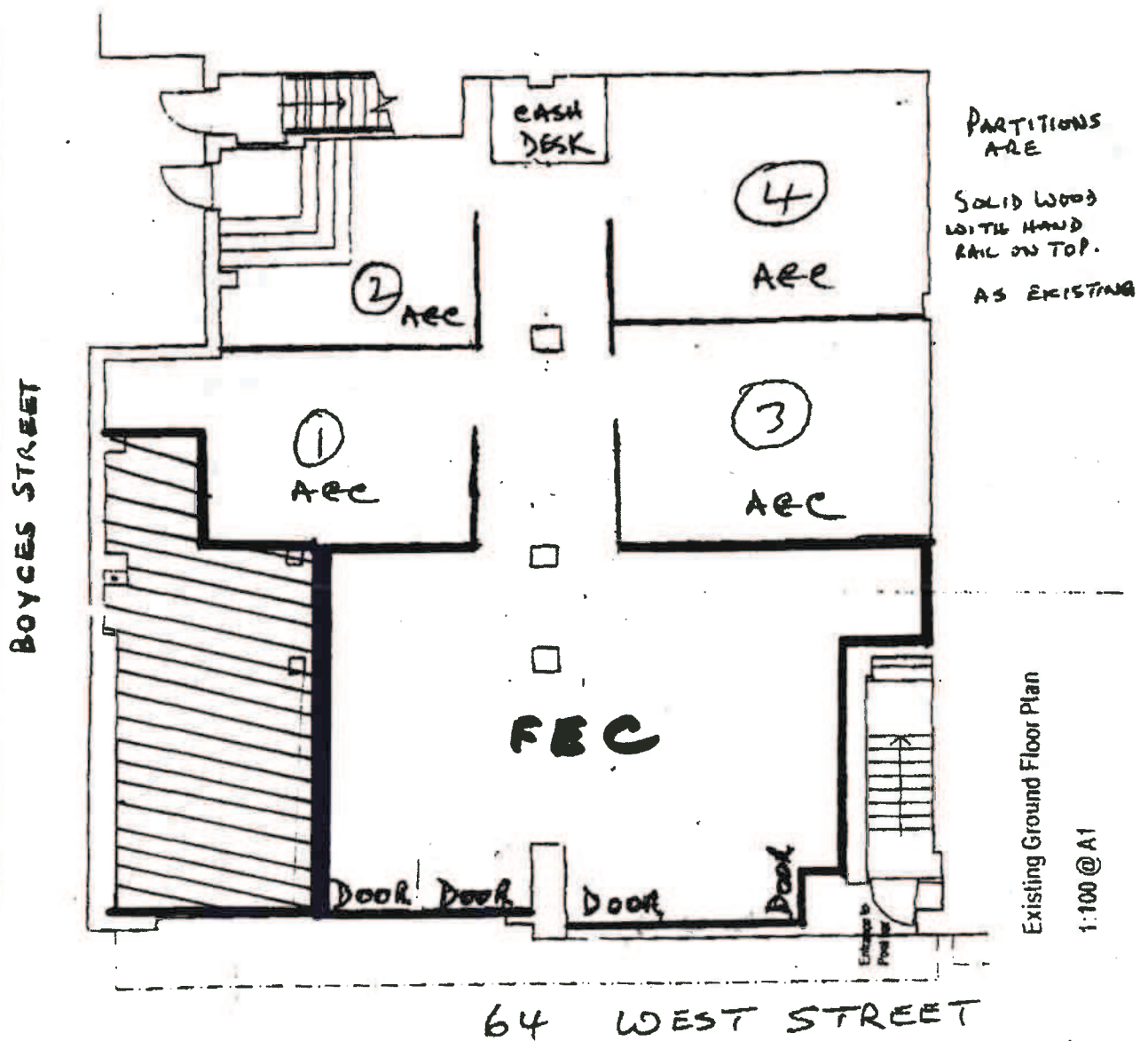
The following conditions have been attached to the licence by the issuing authority under section 169(1) of the Gambling Act 2005: **None**

The following conditions, which would otherwise attach to the licence by virtue of regulations made under section 168 of the Gambling Act 2005, have been excluded by the issuing authority under section 169(1)(b) of that Act: **None**

A scale plan is attached as an annex to this licence

Signed on behalf of the issuing licensing authority

J cfe



Premises licence number:

2010/00018/GAAGCN

## **ADULT GAMING CENTRE PREMISES LICENCE**

This licence is issued under section 164 of the Gambling Act 2005 by

**Brighton and Hove City Council**

### **Part 1- Details of person to whom licence is issued**

**C A Heal And Sons (Amusements) Ltd.**

of the following address:

**4 King Square  
Bridgwater  
Somerset  
TA6 3YF**

Who holds an operating licence which has been given the following operating licence number by the Gambling Commission:

**Gambling Commission Operating licence number: 000-001980-N-101181-001**

### **Part 2 – Details of the premises in respect of which the licence is issued:**

Facilities for gambling may be provided in accordance with this licence on the following premises:

**Unit 2  
64 West Street  
Brighton  
BN1 2RA**

### **Part 3 – Premises licence details**

**This licence comes into effect on:**

**14<sup>th</sup> January 2010**

This licence is of unlimited duration

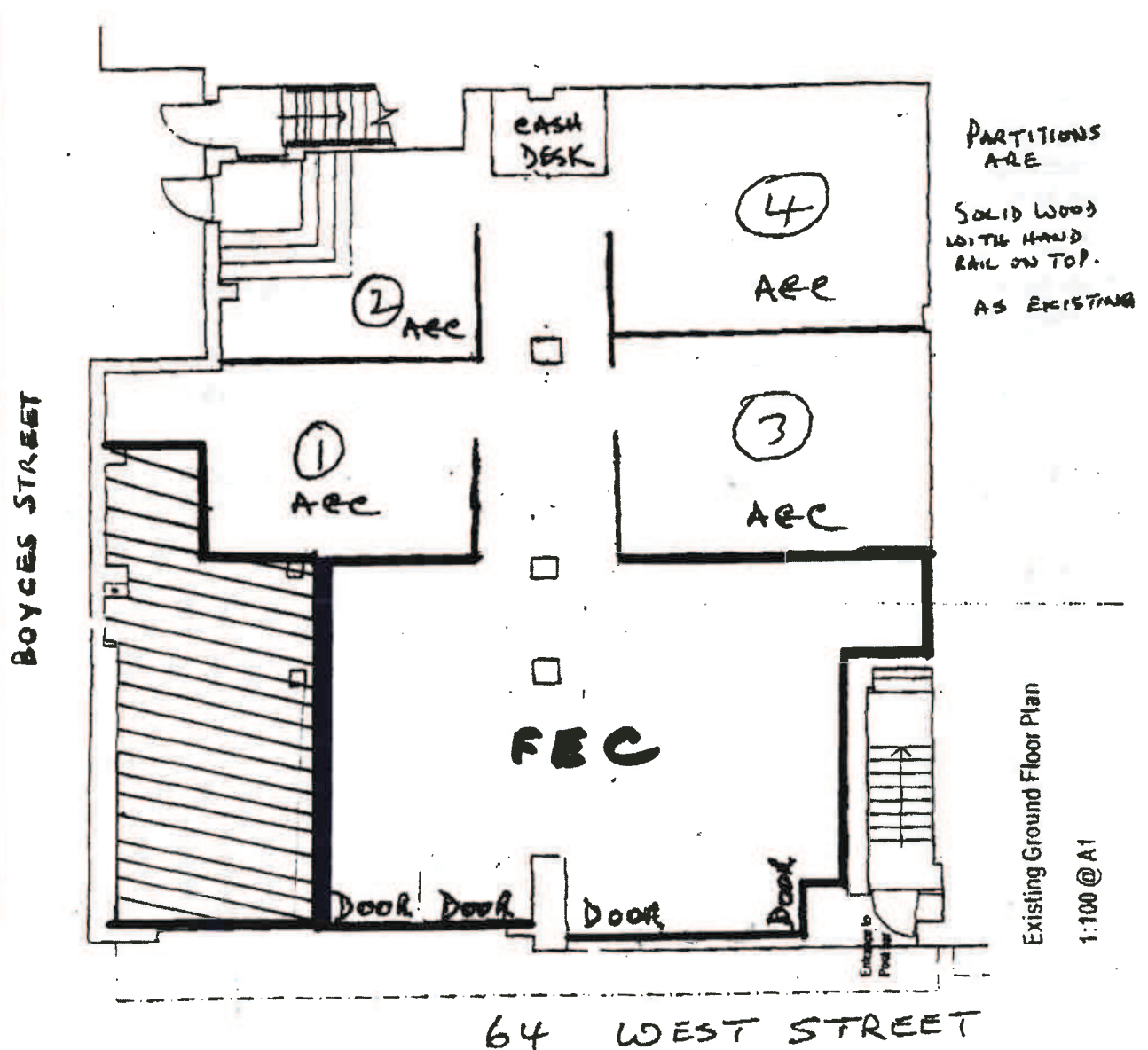
The following conditions have been attached to the licence by the issuing authority under section 169(1) of the Gambling Act 2005: **None**

The following conditions, which would otherwise attach to the licence by virtue of regulations made under section 168 of the Gambling Act 2005, have been excluded by the issuing authority under section 169(1)(b) of that Act: **None**

A scale plan is attached as an annex to this licence

Signed on behalf of the issuing licensing authority

J cfe



Premises licence number:

2010/00021/GAAGCN

## **ADULT GAMING CENTRE PREMISES LICENCE**

This licence is issued under section 164 of the Gambling Act 2005 by

**Brighton and Hove City Council**

### **Part 1- Details of person to whom licence is issued**

**C A Heal And Sons (Amusements) Ltd.**

of the following address:

**4 King Square  
Bridgwater  
Somerset  
TA6 3YF**

Who holds an operating licence which has been given the following operating licence number by the Gambling Commission:

**Gambling Commission Operating licence number: 000-001980-N-101181-001**

### **Part 2 – Details of the premises in respect of which the licence is issued:**

Facilities for gambling may be provided in accordance with this licence on the following premises:

**Unit 3  
64 West Street  
Brighton  
BN1 2RA**

### **Part 3 – Premises licence details**

**This licence comes into effect on:**

**14<sup>th</sup> January 2010**

This licence is of unlimited duration

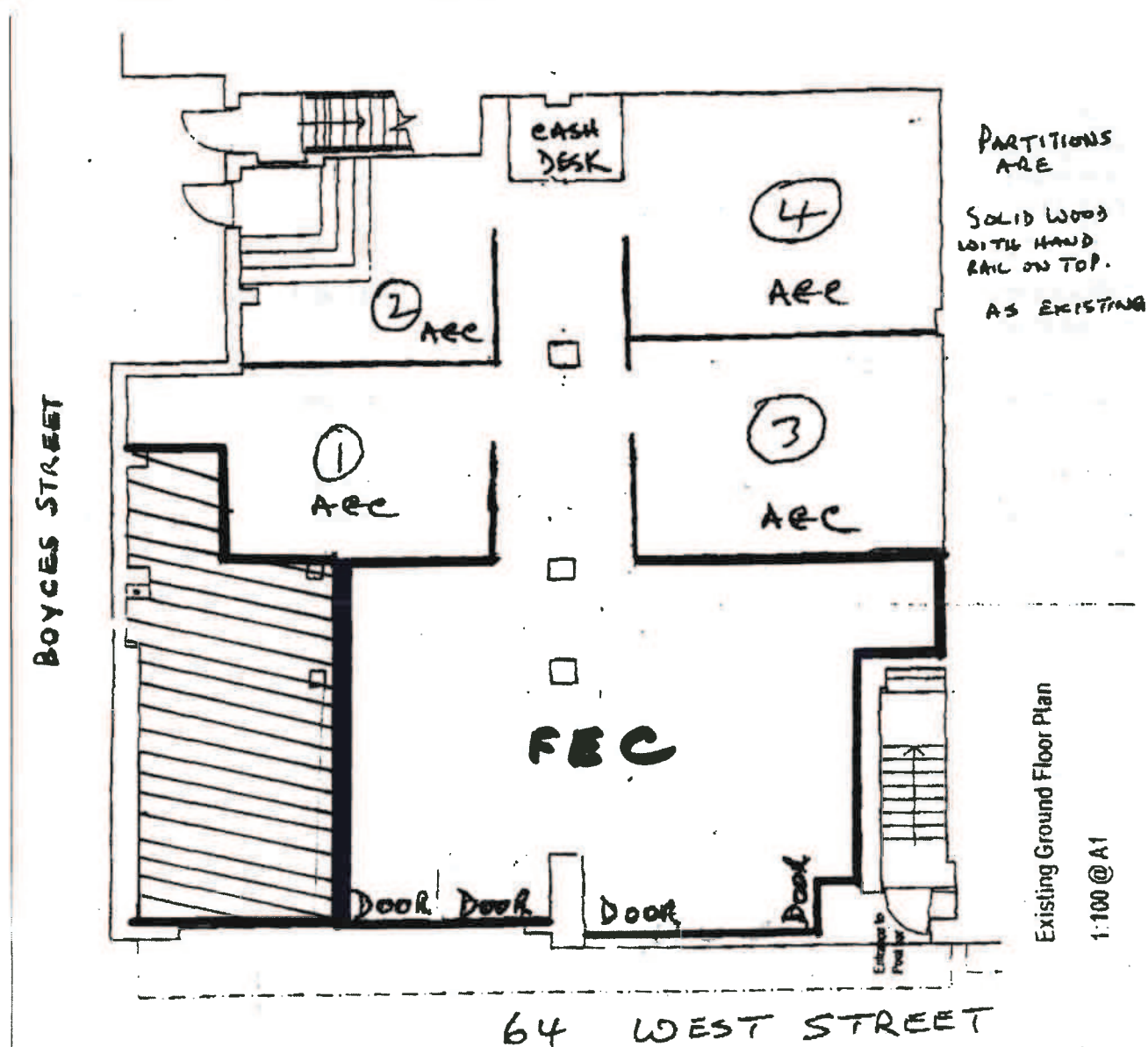
The following conditions have been attached to the licence by the issuing authority under section 169(1) of the Gambling Act 2005: **None**

The following conditions, which would otherwise attach to the licence by virtue of regulations made under section 168 of the Gambling Act 2005, have been excluded by the issuing authority under section 169(1)(b) of that Act: **None**

A scale plan is attached as an annex to this licence

Signed on behalf of the issuing licensing authority

J cfe



Premises licence number:	2010/00022/GAAGCN
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## **ADULT GAMING CENTRE PREMISES LICENCE**

This licence is issued under section 164 of the Gambling Act 2005 by

**Brighton and Hove City Council**

### **Part 1- Details of person to whom licence is issued**

**C A Heal And Sons (Amusements) Ltd.**

of the following address:

**4 King Square  
Bridgwater  
Somerset  
TA6 3YF**

**Who holds an operating licence which has been given the following operating licence number by the Gambling Commission:**

**Gambling Commission Operating licence number: 000-001980-N-101181-001**

### **Part 2 – Details of the premises in respect of which the licence is issued:**

Facilities for gambling may be provided in accordance with this licence on the following premises:

**Unit 4  
64 West Street  
Brighton  
BN1 2RA**

### **Part 3 – Premises licence details**

**This licence comes into effect on:**

**14<sup>th</sup> January 2010**

This licence is of unlimited duration

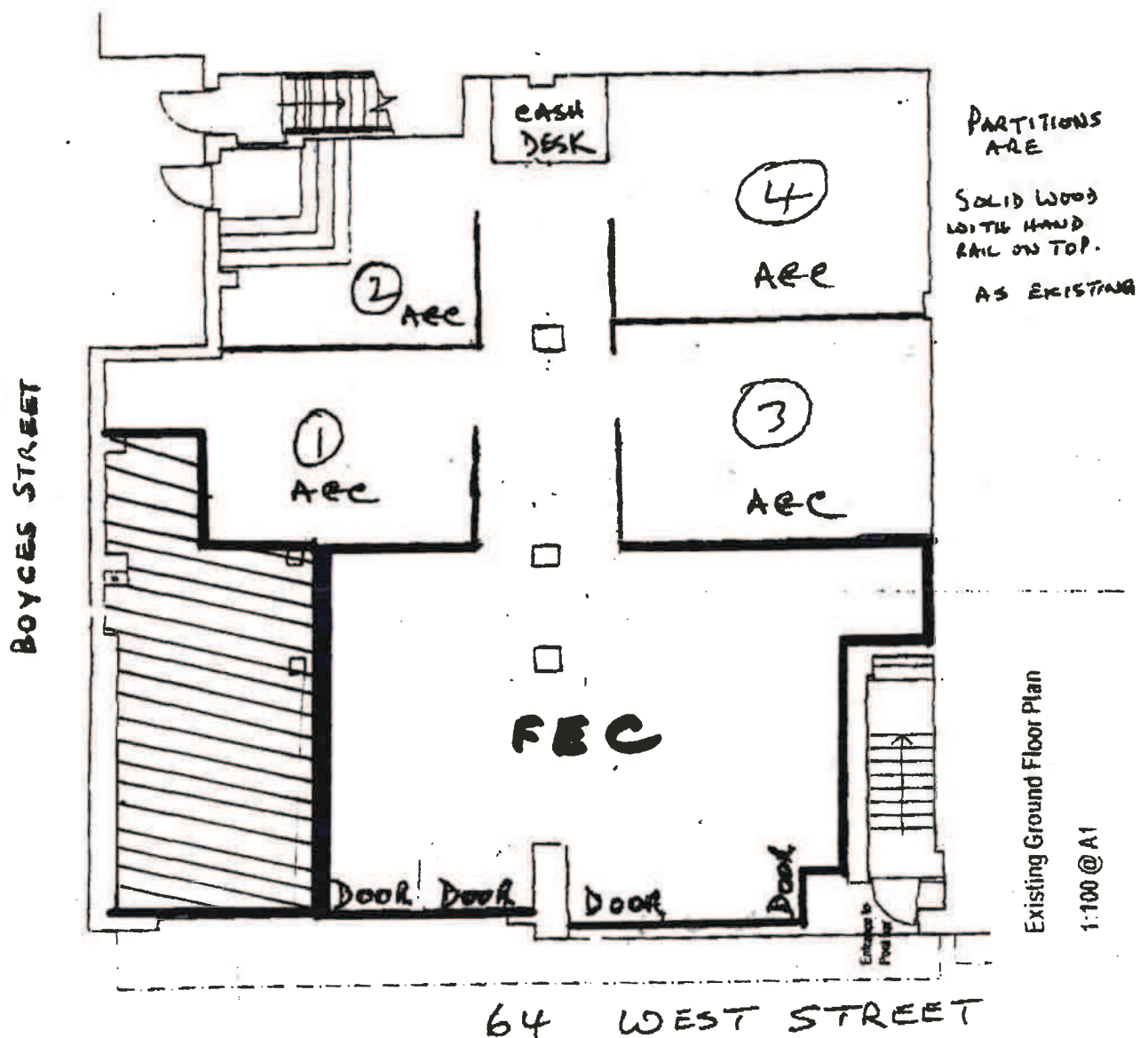
The following conditions have been attached to the licence by the issuing authority under section 169(1) of the Gambling Act 2005: **None**

The following conditions, which would otherwise attach to the licence by virtue of regulations made under section 168 of the Gambling Act 2005, have been excluded by the issuing authority under section 169(1)(b) of that Act: **None**

A scale plan is attached as an annex to this licence

Signed on behalf of the issuing licensing authority

J cfe



## Appendix C

*Valid ✓  
Protecting Children...*

# GAMBLING COMMISSION

Mr M Savage-Brookes  
Environmental Health and Licensing  
2<sup>nd</sup> Floor Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

28 November 2014



Dear Mr Savage-Brookes,

**Review of premises licences 2010/00017/GAAGCN and 2009/01554/GABOT:  
representation submitted by responsible authority**

This representation is submitted to the Licensing Committee of Brighton and Hove City Council by the Gambling Commission as a responsible authority under section 157 of the Gambling Act 2005 (the Act), in accordance with section 200(5) of the Act, and in respect of the reviews of the premises licences held by:

- **Metrobet Bookmakers Limited, 56 Boundary Road, Hove, BN3 5TD**
- **C A Heal & Sons Amusements Limited, Regency Arcade, 64 West Street, Brighton, BN1 2RA**

The representation is made with reference to the third licensing objective at section 1(c) of the Act, specifically the objective of "protecting children.....from being harmed or exploited by gambling"; and to the Commission's codes of practice issued under section 24 of the Act, specifically the social responsibility code provision 3.2 concerning "access to gambling by children and young persons".

The Gambling Commission supported the test purchase operations conducted by Brighton and Hove City Council on 25 April 2014 and 9 October 2014, the latter to re-test licensees whose underage gambling controls had shown to be ineffective during the April operation. We were in attendance with the council on both days.

The Commission attaches a high priority to the prevention of underage gambling, as it is one of the key licensing objectives of the Act that children are protected from being harmed or exploited by gambling; it is the responsibility of gambling licensees to manage the risks to this objective that their premises may present. Section 46 of the Act makes it an offence to permit a child or young person to gamble, and section 47 makes it an offence to permit a child or young person to enter a betting or adult gaming centre premises.

The Commission's Licence Conditions and Codes of Practice (code provision 3.2) require betting and adult gaming centre licensees to have policies and procedures in place to prevent underage gambling, and to monitor the effectiveness of these. Many gambling operators provide the Commission with frequent, robust evidence that they are monitoring their controls, for example through the commissioning of independent test purchasing of their premises. However, the Commission works with licensing authorities across England and Wales to conduct test purchasing among licensees who do not provide it with such evidence. All of the betting, bingo and adult gaming centre licensees tested on 25 April 2014 had been identified by the Commission and Brighton and Hove council as those that do not provide such evidence. Test purchasing is therefore one means by which the Commission and licensing authorities will measure the effectiveness of licensees' underage gambling controls, in the absence of adequate data provided by licensees themselves.

The results in Brighton and Hove are reflective of the test purchase results from other parts of England and Wales, and the Commission encourages regulatory action by licensing authorities where local gambling licensees fail to improve their controls. The Commission's press notice published on 2 September 2014 warned all gambling licensees that "....local authorities are reminding the operators that if they fail to voluntarily deliver improvements, or if their gambling premises fail a further test purchase, then they may be subject to a review of their premises licence which could culminate in the imposition of stricter licence conditions or the suspension or revocation of their premises licence".

The Commission therefore supports the reviews of these premises licences by Brighton and Hove council in view of the weaknesses in underage gambling controls that were demonstrated at these gambling premises in the April and October test purchase operations.

Yours sincerely



Matthew Hill  
Director  
Gambling Commission

## Appendix D

