

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

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:

30th 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 2en</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

2nd 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: 1st May 2014
Our Ref: 2014/04154/GAPREM/EH
Phone: 01273 292438
Fax: 01273 292196
e-mail: 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

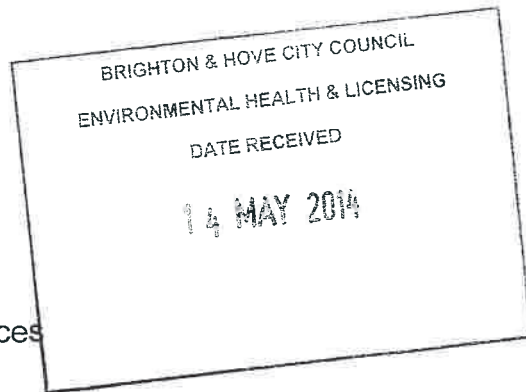
Yours sincerely,

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.

Appendix B.



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

13th 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
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-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**

We wrote to you on 1st 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 9th 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.

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

enter at 14:02.

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

