

## 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: Mrs M Davies 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]*)

Licensing

Environmental Services

Aquila House

Breeds Place

Hastings

East Sussex

Postcode: TN34 3UY

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:

Hastings Borough Council

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: Flamingo Arcade Areas 1 & 2

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:

East Beach Street  
Hastings  
East Sussex

Postcode: TN34 3AR

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): HOAGC04/HOAGC17

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

Stade Developments (Hastings) 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 are two Adult Gaming Centres. The premises holds two separate Adult Gaming Centre Premises Licences in respect of two units situated within the Adult Gaming Centre. The Licensing Team seek to review all two of the Premises Licences as the units are located adjacent to each other and form the whole Adult Gaming Centre part of the premises.

On 22nd April 2014, the premises was subject to a test purchase, conducted by Hastings Borough Council Licensing Team in partnership with the Gambling Commission. Two young people; one male, one female (one seventeen and one sixteen years old) was able to enter the Adult gaming Centre at 13.17 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 people left the premises ten minutes later without being challenged at any time by staff.

Stade Developments (Hastings) Ltd were written to by Mr Bob Brown; Licensing Manager, Hastings Borough Council's Environmental Services Licensing Team, on 23<sup>rd</sup> April 2014 to confirm that they had failed this test purchase and had committed offences under Sections 47 and 46 of the Gambling Act 2005.

On Tuesday 6<sup>th</sup> May 2014 at 12.00 noon a representative from your company attended an interview with Mr Brown to discuss the test purchase operation.

On 30<sup>th</sup> October 2014, the premises was subject to a second test purchase. Two different young people (fifteen year old females) was able to enter the Adult gaming Centre at 13.05 hours and play on age restricted Category C gambling machines. There were visible members of staff on the premises, behind the cash desk and walking around. The young people left the premises approximately thirteen minutes later without being challenged at any time by staff. A plain clothes policeman, PC Mark Charlton acted as Police Supervising Officer during this visit and was present during the whole time that the young people were in the premises. Mrs Davies, Lead Local Authority Officer, made written notes of what had occurred during their visit immediately 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 a review of the license and allow the Licensing Sub Committee to take any action they deem 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)

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

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

Supervising Officer notes regarding second Test Purchase (Appendix D)

#### 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:

*Lillian Davies*

Print Name: Mrs Michelle Davies

Date: 05/12/2014

(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:

Bob Brown

Licensing Manager

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

01424 783249

14. Postal address for correspondence associated with this application:

Licensing

Environmental Services

Hastings Borough Council

Aquila House

Breeds Place

Hastings

Postcode: TN34 3UY

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:

bbrown@hastingsgov.uk

**Application for the review of the premises licence HOAGC04/HOAGC17 –  
Flamingo Arcade, East Beach Street, Hastings East Sussex TN34 3AR**

**Supporting Information**

**The Flamingo Arcade, Areas 1 & 2**

The premises at East Beach Street in the Old Town are comprised of a single storey building fronting onto the promenade and adjacent to the Stade Open Space. The front of the building which has multiple openings (including the right hand side opening onto the children's fairground ride area) comprises a large Unlicensed Family Entertainment Centre with Category D machines. i.e. crane grabs and shove penny machines etc.; these types of machines are all legally available to be played by children under 18 years of age.

At the back of the internal floor area and to the west side are the two Adult Gaming Centre areas.

**Regulated Activity**

Section 172(1) of the Gambling Act provides that the holder of an Adult Gaming Centre Premises Licence may make available for use up to four category B machines; any number of category C machines; and any number of category D machines. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines.

**Adult Gaming Centres**

In order to have their full quota of the higher pay-out machines ; Category B3 & B4, the area holds two separate licences for which they pay an annual fee on each licence.

Protection of children and young persons:-

No one under the age of 18 is permitted to enter an AGC

There are a number of Mandatory Conditions attached to an AGC Premise Licence:-

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

There can be no direct access between an AGC and any other premises licensed under the Act or premises with an Family Entertainment Centre, club gaming, club machine or licensed premises gaming machine permit,

## **Test Purchase Operations**

First operation - 22<sup>nd</sup> April 2014.

This was a test purchase operation of six gambling premises, including Adult Gaming Centres and betting shop premises within the Borough that are licensed by the Authority under The Gambling Act 2005. The Flamingo Arcade is one of these premises.

The operation was run by the Senior Licensing Officer, Trevor Scrase, accompanied by an undercover police officer and a representative from the Gambling Commission. The test purchasers were two sixteen year olds, a male and a female.

The purpose of the operation was to test the effectiveness of underage gambling policies and procedures at gambling premises within the Borough. The operation was carried out in accordance with the Gambling Commissions guidance on these matters.

The undercover police officer entered the premises first to conduct a risk assessment, the two young people followed several minutes later. The young people were able to play on the machines unchallenged for approximately 8 minutes.

As a result of the failure to challenge the underage young people, Stade Developments (Hastings) Limited, the company who manage and run the Flamingo Arcade and for other premises within the Borough were written to on the 23<sup>rd</sup> April 2014. A copy of that letter (appendix B) is attached to this Appendix.

As a result of that letter a representative from the company, Jan Hall, came to a meeting with the Licensing Manager, Bob Brown, on the 6<sup>th</sup> May 2014 and assurances were given by Mrs Hall that the procedures and policies operated by Stade Developments (Hastings) Ltd would be reviewed and tightened up.

Second operation – 30<sup>th</sup> October 2014

The second test purchase operation was conducted in exactly the same way on the 30<sup>th</sup> October 2014. The operation was led by Michelle Davies, a Licensing Officer with Hastings Borough Council, accompanied by a different undercover police officer and a representative from the Gambling Commission. We had three 15 year old girls as our test purchasers on this occasion.

The Flamingo Arcade was the first on our list of re-tests from the first operation plus two additional premises. After the police officer entered the premises to conduct a risk assessment, two of the girls were asked to enter the premises via the unlicensed Family Entertainment area and make their way to the Adult Gaming section of the arcade. They had been briefed by the Gambling Commission Officer on what to expect in an arcade and in the adult gaming centre including what types of machines

and how to operate them as they had not done so before. The girls entered the adult gaming area and played on several machines despite the presence of staff members at the cash desk and on the floor area and were not challenged at any time. They entered the premise with £20.00 and left approximately 13 minutes later with £11.00. Immediately after they returned Mrs Davies asked both girls the prepared questions on the pro-forma (copy attached-appendix C) They handed back the balance of the money to Mrs Davies and proceeded on to the next premise in the operation.

### **Correspondence**

Copy of letter sent out to all operators of Adult Gaming Centres and Betting shop premises within the Borough following the first operation.

### **Witness Statements to support above**

Witness Statement from Trevor Scrase, Senior Licensing Officer with regard to the first Test Purchase Operation

Witness Statement from Michelle Davies, Licensing Officer,

Witness Statement from PC Mark Bright, with regard to the second Test Purchase Operation.

### **Produced as documents**

Copy of the Licence and Summary of the premise

Copies of the pro-formas that were completed immediately following the test purchase operation to Flamingo Arcade.

### **The Licence holder and Licence details**

Stade Developments (Hastings) Ltd

3 Centro Park

Pride Park

Derby

DE24 8RF

## **Summary**

The premises along with 5 others in the Borough failed the initial test purchase earlier in the year and were written to by the Licensing Manager, at his request a representative from the company attended a meeting with the licensing manager and assurances were given that policies and systems would be put in place to ensure that this could not happen again. Just over six months later and during the school half term period when it could be reasonably expected that there would be an increased number of minors "out and about" in the town and seafront area, therefore it would seem appropriate that the company would ensure extra vigilance was in place. This was not the case and the two young ladies were able to enter and gamble in an adults only area without challenge.

## **Conclusion**

Although other premises, 8 in total, were tested on that day, this was the only one that had also failed on the previous operation, although two other premises also owned by the company failed that day, this was their first failure and it was felt that a warning letter and a further meeting with the company to discuss their plans to make the underage prevention procedures more robust would be an appropriate course of action in those cases. However, with this particular premise failing for the second time, the open access to the main FEC complex and proximity to the "fairground" rides on the Stade area, I am of the opinion that a review of the premises is justified.

Hasting Borough Councils Gambling Policy states the following:-

### **3.5 Protection of children and other vulnerable persons**

3.5.3 In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling.

3.5.5 The Licensing Authority will generally expect those who operate or control gambling premises or gambling events to have regard to child welfare.

### **3.6 Access to licensed premises**

3.6.1 With the exception of bingo halls, non-gambling areas of tracks on race days and licensed family entertainment centre, children will not be permitted to enter adult only licensed gambling premises.



The review **does not** seek revocation or suspension of the premise licence but I ask that the committee considers the below recommendations, as set out below, some or all of which may be appropriate to secure this area.

### **Recommendations**

Require the Cat C & B3 Gaming machines comprising the AGC are to be re-positioned so that they are fully adjacent to the ticket/change office, or vice versa, allowing the entrance and area to be fully monitored at all times.

Permanent supervision of the AGC entrance

Physical barrier that prevents open access to the AGC area-requiring customers to ask staff to let them in or operate a token only entrance system following robust age related checks.

Floor walkers at all times with particular attention being paid to that area.

Compulsory third party test purchasing on a frequent basis (monthly?)

Monitored audio alert so that staff are aware that someone has entered the area and a system in place to show that this is followed up and recorded.

HASTINGS BOROUGH COUNCIL

STATEMENT OF WITNESS

The Magistrates' Courts [Forms] Rules 1981 as amended by the magistrates' Courts[Forms] [Amendment] Rules 1997
CJ Act 1967 S 9; MC Act 1980, ss5A [3][a] and 5B; MC Rules 1981 R 70
MC [Witnesses Addresses] Rules 1990

Statement of: Michelle Lesley DAVIES

Age of Witness [if over 18 enter 'over 18']: .....Over 18

Occupation of Witness: ...Licensing Officer.....

This statement [ consisting of 2 page[s] each signed by me] is true to the best of my knowledge and belief and I
make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in anything
which I know to be false or do not believe to be true.

Date: 15th December 2014 Signature: Michelle Davies

1.0

I am employed as a Licensing Officer by Hastings Borough Council, I am based at Aquila
House, Breeds Place, Hastings TN34 3UY. I have held this position since August 2008.
I am an Authorised Officer for Hastings Borough Council under The Gambling Act 2005 and
The Licensing Act 2003. I am also a holder of the BIIAB National Certificate for Licensing
Practitioners (Gambling). On Thursday 30th October 2014, I attended a briefing meeting held
by Bob Brown, Hastings Borough Council Licensing manager, in order to conduct a test
purchasing operation on 8 premises licensed under The Gambling Act 2005 within the
Borough . Also at the meeting were, Trevor Scrase, Senior Licencing Officer, Andrew Isaacs,
Gambling Commission Compliance Manager, PC Mark Bright and three fifteen year old
females who were going to act as 'test purchasers' on this occasion This was to test the
underage gambling policies and procedures at premises licensed under The Gambling Act
2005 including adult gaming centres which contain gaming machines to which persons under
the age of 18 are not permitted access under any circumstance and not to be allowed to play
the machines in this adult only area. Immediately following the briefing I took photographs
(head and full length) of all three girls as evidence of their appearance and clothing during the
operation. Prior to the commencement of the operation and as suggested by Andrew Isaacs ,

Signature: Michelle Davies Witnessed by: .....

HASTINGS BOROUGH COUNCIL

Continuation of Statement: MICHELLE DAVIES.

we took the girls into a public house where there were known to be licensed Category C Gaming machines to show them the type of machine they may find in the venues as none of them had been in an arcade previously and to give them confidence in identifying how the machines were played i.e money slots, press, hold, play buttons etc. We then proceeded to the first venue on our list which was the Flamingo Arcade on East Beach Street. At approximately 15.00 hrs, PC Charlton entered the premises first carry out a risk assessment prior to the girls entering the premises. The young ladies were sent in some minutes later with twenty pounds as playing money asking them to make their way gradually towards the adult gaming area. Mr Isaacs, myself and the remaining young person remained outside at some distance away. At approximately 13.18 they returned to us and reported their findings to me as I completed the pro-forma questions in relation to how and when or if they had been challenged by the arcade staff on duty. They reported that they had not been challenged at any time and had played on machines with a jackpot of £35.00 and £70.00 and had spent £9.00. Pc Mark Bright also left the premises and re-joined us. We then moved on to the next venue.

*Michelle Davies*

Signature: *Michelle Davies* Witnessed by: .....

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of: PC Mark CHARLTON CC763


Age if under 18: Over 18 (if over 18 Insert 'over 18') Occupation: Police Constable CC763

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

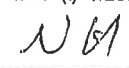
Signature: 

Date 10<sup>th</sup> November 2014

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Thursday 30<sup>th</sup> October 2014 I was on non uniformed duty where I was assisting HASTINGS BOROUGH COUNCIL with a gambling test purchasing operation. I was wearing a black outdoor coat with a grey hooded jumper and black tracksuit trousers. I was required to attend pre designated locations in HASTINGS, EAST SUSSEX where whilst present in the over 18 gambling area, two (2) 15 year old females would be asked to attend the location and play on the machines to see if they were approached by staff. At around 1500 hours I entered the FLAMINGO PARK, THE STADE, HASTINGS where I approached the rear counter of the premises where I exchanged 2 x £5 notes for £1 coins with the female cashier. I could see the premises was busy, owing to it being the half term week and I could see several members of staff walking around the area I was located in. I then turned right from the cashiers desk to the over 18 designated area. This area is clearly marked with signs stating 'OVER 18'S ONLY'. I approached a gambling machine and began to play where I could see that there were no other persons inside the designated area. Approximately 2 minutes later, two (2) 15 year old females entered the area where they remained and used several machines. I could see the females moving around the area from machine to machine where at no time did any staff approach the area or the females. Approximately 5-6 minutes later I could see the females exit the area and leave the premises. I remained in the area for a further one (1) minute where I saw a male member of staff enter the area and walk straight back out again. At no time did I see any staff speak with the females or any other person enter the designated area. 





Proforma - YP name. SOPHIE + SHANNON

Name of First Officer entering premises MARK CHARLTON

Name of Second Officer.....

Date THURSDAY 30/10/2014

Time YP entered premises 13.05

Time YP exited premises 13.18

Name/address of premises/operator STAGE DEVELOPMENTS. FLAMINGO - THE STAGE, HATFIELD.

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 £20... to play machines with. I left the premises with £...11... (to be returned to responsible officer).

- (other scenario or additional comments) *FFC WAS BUSY BUT WALKED AROUND BEFORE SOME IN ACC. STAFF IN TICKET OFFICE & OTHER STAFF ON FLOOR ADJ. TO ACC AREA. PLAYED CATE MACHINES JACKPOT £35 - £70 AT NO POINT WERE WE CHECKED OR ASKED FOR ID. STAFF APPEARED TO BE CHECKING / CLEANING MACHINES*

Signed *James Davis* Date *3-11-14* Time *13.25*

*IN AREA. AS WE LEFT WE NOTICED TWO STAFF MEMBERS ASKING VERY YOUNG CHILD (APPROX 5/6 YEARS) WHO WAS WITH US RATHER BEING ASKED TO LEAVE ACC. NO OTHER PERSONS IN ACC AREA APART FROM MARK CHARLTON.*

**HASTINGS BOROUGH COUNCIL**

**STATEMENT OF WITNESS**

The Magistrates' Courts [Forms] Rules 1981 as amended by the magistrates' Courts[Forms] [Amendment] Rules 1997  
CJ Act 1967 S 9; MC Act 1980, ss5A [3][a] and 5B; MC Rules 1981 R 70  
MC [Witnesses Addresses] Rules 1990

Statement of: ... Trevor Charles SCRASE.....

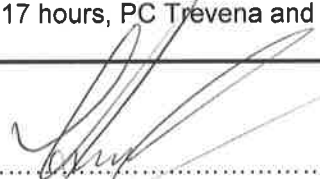
Age of Witness [if over 18 enter 'over 18']: ... Over 18.....

Occupation of Witness: ... Senior Licensing Officer.....

This statement [ consisting of 2 page[s] each signed by me] is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in anything which I know to be false or do not believe to be true.

Date: ..... 15/12/2014 ..... Signature:  .....

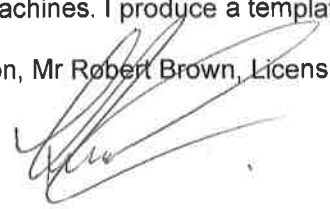
I am employed as a Senior Licensing Officer for Hastings Borough Council, based at Aquila House, Breeds Place, Hastings, TN34 3UY. I have held this position since June 2006, previously I was the Licensing Development Officer from November 2004. Prior to employment with Hastings Borough Council, I was a police constable in Sussex Police, completing thirty years' service in November 2004. I am the holder of the BIIAB Level 2 National Certificate for Licensing Practitioners in Gambling, which is an accredited qualification. On Thursday the 22nd April 2014, I was appointed the 'lead officer' in a test purchase operation of six premises in Hastings & St. Leonards, licensed by this authority under the Gambling Act 2005. These premises were registered as adult gaming centres or betting shops. I was in company with PC Christopher TREVENA, Hastings Police, Mr Andrew ISAACS, Gambling Commission Compliance Manager, a sixteen year old female and sixteen year old male who were acting as 'test purchasers' in accordance with their briefing by Mr Robert BROWN, Licensing Manager. One of the premises was the Flamingo Arcade Amusements, The Stade, Hastings, which is licensed as a family entertainment centre with two 'adult gaming centres' located at the rear of the premises. The purpose of the operation was to test the effectiveness of the premises policies in respect of underage access to the part of the premises licensed as an 'adult gaming centre' which contains gaming machines to which persons under eighteen years of age are not permitted access, in the area beyond the 'no under 18 signs' or to play the gaming machines of category B or C. At 13.17 hours, PC Trevena and Andrew ISAACS entered the premises, followed by the two

Signature:  ..... Witnessed by: .....

HASTINGS BOROUGH COUNCIL

Continuation of Statement: .....Trevor Charles SCRASE.....

sixteen year old persons. At 13.25 hours, they all returned from the premises and met me nearby outside. As a result of what I was told, I completed the pro forma information sheet, by reading the prepared questions to them and recording their on which were questions in relation to how and when they had been challenged by the arcade staff on duty. The result was that they had not been challenged at any stage on entering the adult gaming centre areas or whilst they played on the over 18 years of age only, category B gaming machines. I produce a template copy of the pro forma form as item TCS/1. As a result of the test purchase operation, Mr Robert Brown, Licensing Manager, wrote to the licensed operators, Stade Developments (Hastings) Ltd.



Signature: .....Witnessed by: .....



RESTRICTED - OPERATIONS

Proforma - YP name... CONNOR / AMY...

Name of First Officer entering premises... PC CHRIS TREVINA ,

Name of Second Officer... TREVOR SCRASE..

Date..... 22/4/14 .....

Time YP entered premises..... 13.25 .....

Time YP exited premises..... 13.25 .....

Name/address of premises/operator..... FLAMINGO STAGE DEVELOPMENTS, THE STAGE .....

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.....  
NO.....
- **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  
NO.....
- **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  
NO.....

CT ES.

Please quote: bbmd  
Your reference:  
Date: 30<sup>th</sup> June 2014  
Please ask for: Bob Brown  
Telephone direct: 01424 783249  
E-mail: [bbrown@hastings.gov.uk](mailto:bbrown@hastings.gov.uk)  
Web: [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing)



**Licensing Team**  
Aquila House, Breeds Place  
Hastings, East Sussex TN34 3UY

The Manager  
The Flamingo Arcade  
East Beach Street  
Hastings  
TN34 3AR

Dear Sir/Madam,

**Re: Test Purchase Exercise.**

Hastings Borough Council has been working in partnership with the Gambling Commission and as a result conducted a series of test purchase operations in Gambling Premises earlier this year. The tests were designed to test the effectiveness of underage gambling policies and procedures at those premises.

The Authority tested six premises of different types in the expectation that it would supply us with evidence that operators have sufficient safeguards in place to prevent underage gambling. It was very disappointing to note that all six premises failed the exercise, in each case the two underage persons used were allowed unchallenged access to the premises and to play the machines.

All operators involved in this operation have now attended these offices to discuss the findings of the exercise and accepted that their operation needed tightening up. The Authority was pleased to note the commitment by each operator to ensure that their operating procedures reflected our concerns and their assurances that staff will be even more strident in their approach to underage sales in the future.

The Authority felt it important to raise this issue by letter with all premises licence operators across the Borough, to give you all the opportunity to consider your own policies in the knowledge that the Authority will undertake similar operations in the future with hopefully a much improved result.

Should you wish to discuss this matter further please feel free to contact me at the above office during normal office hours.

Yours sincerely

A handwritten signature in black ink, appearing to be "B. Brown", written over a horizontal line.

**Licensing Manager**



INVESTOR IN PEOPLE

# GAMBLING COMMISSION

Mrs M Davies  
Licensing & Environmental Services  
Aquila House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY

10 December 2014

Dear Mrs Davies,

**Review of premises licences HOAGC04 and HOAGC17: representation submitted by responsible authority**

This representation is submitted to the Licensing Committee of Hastings Borough 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 adult gaming centre premises licences held by:

- **Stade Developments (Hastings) Limited, Flamingo Arcade Areas 1 and 2, East Beach Street, Hastings, TN34 3AR**

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 Hastings Borough Council on 22 April 2014 and 30 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 adult gaming centre premises.

The Commission's Licence Conditions and Codes of Practice (code provision 3.2) require 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. The gambling licensees tested on 22 April 2014 had been identified by the Commission and Hastings Borough 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 Hastings 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 Hastings Borough 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

A handwritten signature in black ink, appearing to read 'Matthew Hill', with a long horizontal flourish extending to the right.

Matthew Hill  
Director  
Gambling Commission