

# 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


APPROVED

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 

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

2014/05269/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

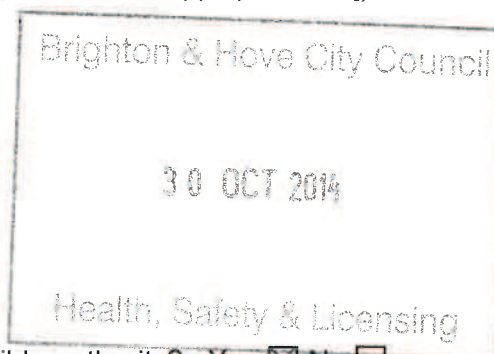
Environmental Health & Licensing

Bartholomew House

Bartholomew Square

Brighton

Postcode: BN1 1JP



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





*Appendix A.*

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

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

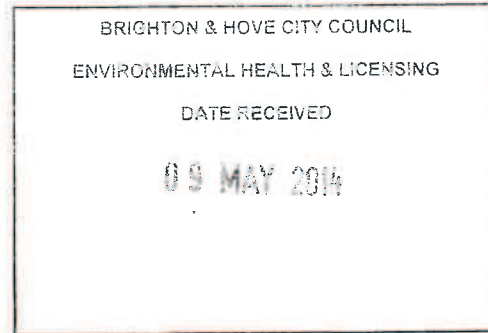
c.c. Metrobet, 56 Boundary Road, Hove BN3 5TD  
Compliance Manager, Gambling Commission

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



FILE Com.

Appendix D.

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

**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.

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

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)

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.

[REDACTED]

Notrobel, Barclay Rd.  
15.13 09/10/14  
2x steps behind counter  
Male - late 50's - bushy hair  
grey 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. 1 looked like he  
should be ID'd. ~~late~~  
~~came in at 15:00~~ <sup>15:00</sup> I wait  
in at 15:00. [REDACTED]  
came in 15:02. Street

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

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