



Out and about: We literally could not have crammed more into June!

Between them, Stephen and Niall successfully appeared for clients at Stirling, East Dunbartonshire, Inverclyde, West Lothian, Fife, Glasgow, Renfrewshire, North Aberdeenshire and Edinburgh Licensing Boards.

In addition to the appearances and numerous client meetings, there has been a spike in enforcement activity, seeing us attend and represent clients at Interventions and meetings with Police Scotland and LSOs.

Finally, June also saw TLT sponsor and attend the SLR Rewards at the Grand Central Hotel in Glasgow. Congratulations to all the winners and in particular Mo Razzaq, the winner of the 'Responsible Retailer of the Year' which was sponsored by TLT.

This month in summary

Alcohol licensing news

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Gambling news

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- Betfred pay in excess of £800,000 after licence review
- Gambling Commission consulting on fee changes for operating licence holders

Alcohol licensing news

Noise condition - Edinburgh

The City of Edinburgh Licensing Board has acceded to a petition from operators within the City to consult on the terms of its policy which imposes the "inaudibility condition" on all licences granted by the Licensing Board. ([Previous issues of this bulletin have looked at the specific problems with the condition when applied in practice](#)).

The consultation period ended on 22nd July 2016. More information can be found via this link: <https://consultationhub.edinburgh.gov.uk/cg/edinburgh-licensing-board-consultation-on-amplifie/consultation>

Police Scotland launch “Innkeeper” system

Police Scotland have launched a national police licensing database. It will be accessible to all officers within Police Scotland and will contain information on alcohol and civic licences.

For the first time it will allow the police to easily check for information across local authority areas and will also house the data collected on inspections and record incidents at the premises. Police Scotland have moved to reassure the Trade that it will not simply contain “black marks” against the licensee, but also be used to record positive interactions.

Early indications are that the system has begun identifying anomalies which previously went unchecked. For example, it has picked up a number of “double DPMs” i.e. persons purportedly nominated as DPM on more than one premises licence across different local authority areas.

Gambling news

Focus on gaming machines in pubs highlights operational weaknesses

A recent exercise undertaken by Bracknell Council, where under 18's were sent into pubs, purchased a soft drink and then played the fruit machines as part of a 'test purchase' operation has highlighted that supervision of machines may be lacking. In all seven pubs tested, the under 18's were not stopped from playing the jackpot machines ('category C' machines) as they should have been. All premises tested held the relevant permit to have the machines and therefore the exercise was undertaken to look at compliance with the rules relating to the supervision of the machines by staff, rather than premises illegally having machines.

To make matters worse, the council wrote to all the pubs beforehand, warning them that such an operation would be undertaken.

It is illegal to permit under-18's to play Category C jackpot machines on your premises and any premises that has such machines must adhere to the Gambling Commission's code of practice for gaming machines in premises with an alcohol licence.

The full code of practice can be found at:

<http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>

However, the code requires, amongst other things, that:

- Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
 - checking the age of those who appear underage
 - refusing entry to anyone unable to produce an acceptable form of identification.
- Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
 - Permit holders should only accept identification which:
 - contains a photograph from which the individual can be identified
 - states the individual's date of birth
 - is valid
 - is legible and has no visible signs of tampering or reproduction.
- The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.

In light of this, it is worth revisiting procedures and training if you have gaming machines at your premises to ensure that the machines are being properly supervised.

Betfred pay in excess of £800,000 after licence review

Betfred have agreed a settlement which will see them pay more than £800,000 after it failed to meet its obligations on anti-money laundering and social responsibility. The fine will be in part compensation and in part a contribution towards socially responsible causes. Betfred will also meet the Gambling Commission's investigation costs.

Moving forward, to ensure compliance, Betfred must have a qualified third party review its anti-money laundering and social responsibility policies, including customer due diligence, enhanced due diligence and monitoring.

Gambling Commission consulting on fee changes for operating licence holders

The Department for Culture, Media and Sport (DCMS) and the Gambling Commission (GC) have published a joint consultation on proposed changes to fees for operating licence holders. The consultation can be found at:

<http://www.gamblingcommission.gov.uk/pdf/Consultations/Proposals-for-Gambling-Commission-Fees-from-April-2017.pdf>

The proposals in this consultation include changes designed to:

- take account of the significant changes to the GC costs and income following the implementation of the Gambling (Licensing & Advertising) Act 2014;
- reflect the efficiencies the GC have achieved in our expenditure, and would reduce the overall fee burden across the industry by an estimated 10%;
- ensure that the GC's costs continue to be recovered on a proportionate basis from different types and sizes of operator; and
- address other issues identified in the current fees structure.

The consultation also proposes some important modifications to the fees structure, including;

- the replacement of 'number of premises' with gross gambling yield (GGY) as the basis for fee categories across a number of licences;
- the sub-division of various fee categories into smaller categories to ensure that our costs are recovered through fees on a fairer basis; and
- the re-alignment of cost recovery more proportionately in relation to GGY.

The GC expect the proposals to mean fee reductions for around 1,900 operators while fees would be held at their current levels for around 1,000 operators, and fewer than 100 would be subject to an increase in fees.

It is expected that the changes to fees will be put in place in April 2017.

The closing date for responses to the consultation is 9 September 2016.

If you would like any more information on the information in this bulletin, or would like to seek legal advice on any form of licensing law, please feel free to get in touch.

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TLT has a Licensing team of 18 people and provides leisure sector operators in Scotland with local expertise and presence. Additionally, TLT is unique in being the first firm able to provide a licensing service which offers genuine and significant expertise across England, Scotland and Wales.

TLT's Leisure team is made up of over 50 lawyers. We provide clients with a full service including licensing, real estate, corporate M&A and finance, equity investment, competition, commercial services, franchising, IP, planning, dispute resolution, employment and pensions. Our clients appreciate the seamless service we can give them and our innovative approach. Our specialists help some of the sector's leading pub companies, hotels, clubs, restaurants, visitor attractions and tour operators to stay ahead in this highly competitive industry.