

**JERSEY GAMBLING COMMISSION**



# **Policy Statement for the Conduct, Regulation and Licensing of Class I Bookmakers**

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## **Introduction**

This policy statement is published in accordance with Article 9 of the Gambling (Jersey) Law 2012 (the Law) and remains in force until revoked. The policy sets out the circumstances under which the Commission will generally grant, or refuse, an application for a Licence and details the conditions that apply to it. The policy also explains the relevant permissions, responsibilities and appropriate enforcement attached to a Class I Bookmakers licence.

## **Guiding Principles**

The Guiding Principles are set out in the Gambling Commission (Jersey) Law 2010 and are as follows:

- gambling should be regulated in accordance with generally accepted international standards to prevent fraud and money laundering, and should not be permitted to be a source of crime;
- gambling should be verifiably fair to consumers of those services;
- gambling should always be conducted responsibly and with safeguards necessary to protect children and vulnerable people.

In exercising its functions under the Commission Law and the Gambling Law, the Commission must always have regard to these principles. The Commission will, therefore, only permit gambling or services to commercial gambling operators if it considers it reasonably consistent with pursuit of the Guiding Principles.

This statement will be reviewed by the Commission from time to time and revised after consultation with relevant persons and organisations if these revisions materially alter the duties and responsibilities of the licensee or any of its permissions.

## **Statutory Functions**

The Commission's functions with regard to Bookmaking comprise 3 key areas: applying for Licences, compliance and enforcement. In particular, the Commission has a duty to:

- determine applications for Licences, specify the conditions to be contained in such Licences, and determine applications for the variation of existing licences;
- assess compliance with the Law and with any Licence condition, code of practice or other provision included by virtue of the Law, and request information from licensees as necessary;
- take regulatory action against any licensee failing to comply with the conditions stated in this document, or in relation to offences under the Law.

## Context

Commercial gambling means a business which contracts directly with a customer and for profit. Bookmaking directly offers gambling services *to* and contracts *with* the public in the form of a customer/punter relationship and is therefore commercial gambling under this definition.

## Policy: Bookmakers Licence: Class I

Before a company or person can offer betting facilities from within a dedicated premises (betting office/shop) they must have the appropriate permission in the form of a Licence issued under the terms of the Law. Bookmaking offered from a dedicated betting shop or betting office requires a Class I Bookmakers Licence.

## Licence Defined by Permitted Activity

A Class I Bookmakers Licence is required to offer betting at an agreed premises. The precise gambling offered to the public is governed by Licence Conditions, Codes of Practice and defined responsibilities listed in this Policy.

## Classification of Bookmaking

A Class I Bookmakers Licence differs from other bookmaking permissions also available under Licence. These other permissions do allow the transacting of bets but not from a dedicated and permanent shop or office and are classified as Class II Licences. In common parlance they are '**On-course Licences**' – a permission to transact betting at tracks and other sporting events<sup>1</sup> - and detail may be found under the Commission's Policy Statement for Class II Bookmakers.

## Duration of Licence

A Class I Bookmakers Licence is valid for 5 years from the date of issue and subject to a yearly fee (see Fees Notice). Failure to pay the yearly fee may result in suspension, leading to the revocation of the Licence. It is recommended that applications for a new Licence from existing Holders be submitted 6 weeks prior to the expiry of a current Licence. **Please Note:** A Bookmakers Licence is not transferable and fees due once a licence is granted remain enforceable. There is no prohibition on selling a business to another person, but it must be understood a sale cannot commence or be finalised without the Commission vetting the potential purchaser; from the Commission's perspective this purchaser is regarded as a new applicant to the profession and therefore subject to the level of scrutiny set out under the Application section of this Policy.

## Interpretation

For the purposes of this Policy and unless the context otherwise requires, the Commission gives these terms the following meaning:

"betting transaction" includes entering into or negotiating a betting transaction, paying, receiving or settling bets, collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;

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<sup>1</sup> The holder of a Class I **Bookmakers Licence** does not need a further licence to offer betting at an event. However, the conditions applied to a Class II Bookmakers Licence equally apply to those holders of a Bookmaking Licence electing to offer betting at a track or other sporting event.

“bookmaker’s manager (including Area, Duty and Office Manager)” means an employee of a Class I licensee approved by the Commission as fit and proper to act in a managerial capacity;

“bookmaker’s licence” means a Class I Licence, granted under the provisions of the Gambling (Jersey) Law 2012 and governed by this Statement, authorising a person ordinarily resident in the Island to act as a bookmaker and approving the use of the premises to which the licence applies for the purpose of effecting betting transactions, and, unless otherwise expressly provided, includes a permission to offer credit betting;

“dog race” means a race in which an object propelled by mechanical means is pursued by dogs, and the expression “dog racecourse” shall be construed accordingly, except in relation to virtual racing;

“horse race” means a race in which any horse<sup>2</sup> runs, or is made to run, in competition with any other horse, or against time, for any prize of whatsoever nature or kind, or for any bet or wager made or to be made, in respect of any such horse, or the riders thereof, and the expression “horse racecourse” shall be construed accordingly, except in relation to virtual racing;

“the Law” means the Gambling (Jersey) Law, 2012;

“licensed betting office” means premises in respect of which there is for the time being in force a Class I Bookmakers Licence issued under this policy, and, unless otherwise expressly provided, includes the provision of credit betting;

“licensed bookmaker” means the holder of a Class I or Class II Bookmakers Licence for the time being in force, and includes the holder of an occasional bookmaker’s licence on a day when such licence is expressed to be in force;

“licensed track” means a track offering pari-mutuel betting (pool betting) licensed by the Commission;

“licensee”, in relation to the operation of a betting office, means the holder of a Class I Bookmakers Licence;

“occupier”, in relation to a track, means the person for the time being having the control of the track;

“pool betting business” means business involving the receiving or negotiating of bets made by way of pool betting, but does not include any business or transaction which consists solely in the receiving of coupons or other written forms for transmission to a registered pool or promoter or to a person registered as a pool promoter under an Act of the United Kingdom;

“premises” includes any boat, ship or vessel whatsoever within Jersey’s territorial waters;

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<sup>2</sup> ‘Horse’ includes a horse, mare, gelding, colt and filly.

“prescribed” means prescribed by virtue of Article 3 (2) (a) of the Law;

“public place” includes any street, road, roadway, lane, subway, tunnel, bridge, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public, and any public park, garden or seabeach to which the public for the time being has unrestricted access and includes the doorways and entrances of premises abutting on any such public place, and includes also any enclosed place, not being a public park or garden, to which the public has a restricted right of access, whether on payment or otherwise;

“qualified accountant” means a person who is a member, or a firm all of the partners in which are members, of one or more of the following bodies, that is to say:

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Chartered Certified Accountants;
- (d) Chartered Accountants Ireland;
- (e) any other major accountancy professional body recognised by the Commission for the purposes of this Licensing Policy;

“sponsored pool betting” means pool betting by means of facilities provided by, or with the authority of, the occupier of a horse racecourse;

“totalisator” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether electronically operated or not;

“track” means premises on which races of any description, athletic sports or other sporting events take place;

“winnings” includes winnings of any kind and any reference to the amount, or to the payment of winnings shall be construed accordingly;

“virtual racing” means the betting on virtual events other than those offered on gaming machines. Betting on virtual events means person to person transactions. Racing means the visual representation by use of virtual images of horse or dog racing displayed on a television screen with outcomes determined by a random number generator. **Please note:** while these facilities are permitted under a Class I Licence, the licensee must supply to the Commission the necessary information in respect of the supplier and such certificates that the generation of these virtual events has been tested to assure fairness.

## **Licence Conditions**

These Conditions apply to all persons who are involved in any bookmaking activity provided under a Class I Bookmakers Licence. This extends to any person employed or engaged by a bookmaker to assist in any way whatsoever with the facilitation of betting to the public.

### **Conditions: Reportable Matters**

It is a condition that the holder of a Class I Licence report to the Commission any breach of Licence conditions contained in this Policy. Licensees shall be fully liable and responsible for the conduct and actions of their staff. A breach of any condition by any member of staff employed by the licensee shall be treated as if it were a breach by the licensee and liable to incur penalties.

### **Condition: Betting Transactions**

A betting transaction shall be considered enforceable and valid so long as the conditions set out under this Policy are complied with and, if any of those conditions are broken, the operator may be liable to a civil financial penalty, revocation or both.

### **Conduct of Betting Offices**

A licensed betting office shall be managed and conducted in accordance with the Licence conditions imposed by the Commission. If any of those conditions are contravened, the Licensee may be subject to a notice setting out immediate remedial action; if the remedial action set out in the notice is not applied the licensee may be subject to revocation and/or a civil financial penalty.

### **Condition: Disorder**

Without prejudice to any other right to refuse a person admission to a premises or to expel a person from a premises, the licensee, or staff member of a licensee may refuse to admit, or may expel from the premises any person who is under the influence of alcohol, or who is violent, quarrelsome or disorderly, or whose presence on the premises would subject the licensee to any penalty under their Licence. This permission does not compel the licensee to remove such persons if there is a risk to the personal safety of the licensee or their staff.

**Reportable:** It is a condition that the licensee retains a record of any such disturbances and report the occurrence to the Commission.

### **Advertising**

Advertising is permitted, but only in accordance with the Commission's Policy Statement for Advertising Commercial or Charitable Gambling ([Advertising Policy](#)) and then if it is consistent with Rules produced by the Advertising Standards Authority. Licensees should note that they may only promote those facilities provided in Jersey and under Licence from the Commission. Extra-territorial facilities may not be so promoted. For the exclusion of doubt, promotion of websites not licensed by the Commission would be a breach of this condition.

### **Saving of the Right to Prohibit Betting and to Refuse to Accept Bets**

Nothing in this Policy shall be construed as requiring a licensee or any staff member to accept any bet.

## **Rules for Betting Offices**

### **Condition: Opening Hours:**

All licensees must comply with the Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010 and Shops (Regulation of Opening) (Jersey) Regulations 2011 as amended in relation to parochial permissions for office opening on certain prescribed holidays and other days.

**Condition:** Licensees must inform the Commission of the hours and days of opening of any premises operated by virtue of their Licence.

### **Condition: No Mixed Use**

The licensee and any servant or agent of theirs shall not carry on, cause or allow to be carried on, in the betting office, any trade, profession or business whatsoever other than the following:

- the effecting of betting transactions;
- the provision of gaming machines (subject to a separate licence);
- the receiving of coupons for transmission to a registered pool promoter or to a person registered as a pool promoter;
- provision of virtual racing facilities;
- the sale of tickets and the payment of prizes in a public lottery.

This condition shall not preclude the provision by sale or otherwise, of non-alcoholic drinks, snacks or sandwiches. Racing periodicals or specialist betting publications may also be sold or offered.

### **Condition: Employment - Age Restriction**

No person under the age of 18 years shall be employed in, or be admitted to, or allowed to remain in, the betting office during operational hours. This prohibition does not extend to contracted services such as maintenance or cleaning scheduled outside of operational opening hours.

### **Condition: No Live Music & Dancing**

No live music, dancing or other entertainment shall be provided or permitted on the premises.

### **Condition: Apparatus**

No equipment shall be offered for use by the public unless it has been tested, and approved by the Commission (in the case of gaming machines or self service betting terminals) and no television or screen image may be operated and displayed by the licensee excepting for the purpose of displaying races or other events including information thereto for the purposes of betting.

### **Condition: Virtual Racing**

Virtual racing facilities may be provided in any betting office, but only if the following conditions are met:

- betting on virtual events under this Condition is betting other than those offered on gaming machines;
- betting on virtual events means person to person transactions;

- the licensee has supplied details of the supplier of the virtual product;
- certificates have been received by the Commission stating the product has been tested and approved to a recognised standard.

### **Condition: Display of Information**

The licensee shall display in a betting office:

- a) the pertinent bookmakers Licence for that premises;
- b) a notice stating that young persons are not admitted, in a conspicuous manner and in some conspicuous place including a place near to the entrance of the premises and, where practicable, in a window of the premises so that it can be read from outside the premises;
- c) such notices, in such form, and in such positions, as may be prescribed by this Policy and relevant Codes of Practice;
- d) in some conspicuous place inside the premises, a notice setting out the terms on which the licensee invites persons to bet including:
  - (i) the amount of the various deductions that may be, or will be, made from winning bets;
  - (ii) any maximum limit on the amount of winnings;
  - (iii) the procedure for the resolution of disputed bets;
- e) responsible gambling advice and information on seeking help and counselling for gambling problems.

The licensee shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or signs of any description on the premises in accordance with the Advertising Policy.

### **Condition: Social Responsibility Provisions**

The Licence is subject to a condition that the licensee ensures compliance with the Code of Practice for Responsible Gambling by Class I and Class II Bookmakers issued by the Commission. (RG [Code of Practice for Bookmakers](#))

Licensees must have, and put into effect, policies and procedures intended to promote socially responsible gambling. The procedures must be demonstrable, in relation to record keeping and training of staff on these policies and procedures.

### **Underage Provisions**

Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling.

Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these. These procedures must be subject to record keeping and necessary staff training.

These procedures must include methods for:



### **Checking the age of apparently underage customers**

Licensees must have procedures that require their staff to check the age of any customer who appears to them to be under the age of 21.

Staff should challenge any customer who appears to be under 21 and ask for documentary evidence to support the claim of being 18 years old or older.

Licensees must 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.

Government issued ID such as a driving licence or passport should be adopted as a primary source for age verification.

Anyone who appears to be underage that tries to access the gambling facilities and cannot produce an acceptable form of identification must be asked to leave the premises.

### **Recidivists**

Procedures should be put into effect for dealing with cases where a child or young person repeatedly attempts to gamble on licensed premises, including oral warnings, reporting the incident to the Commission, and making available information on problem gambling.

Service must be refused in any circumstances where any adult is accompanied by a child or young person.

This licence is subject to a condition that if the licensee (or anyone employed by the licensee to perform an operational function) becomes aware that a child is using or has used facilities for gambling then the licensee must return any money paid in respect of the use of those facilities by the child as soon as is reasonably practicable, having subtracted any monies that have already inadvertently been returned.

Such an event **MUST** be reported to the Commission.

### **Employment**

This licence is subject to a condition that children and young persons under 18 are not employed to work on betting licensed premises at any time when the premises are open for business and that gaming machines are turned off if children and/or young persons are working on the premises outside of business hours.

### **Vulnerable Persons Provisions**

Licensees must take all reasonable steps to ensure that staff involved in the provision of facilities for gambling are made aware of advice on socially responsible gambling and of where to get confidential advice should their own gambling or a customer's gambling become hard to control.

Licensees must make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling. The information must cover:

- \* Self-exclusion options
- \* Information about the availability of further help or advice.

Information must be displayed prominently on posters appropriate to the size and layout of the premises and contained in leaflets that may be taken away.

Licensees must take all reasonable steps to ensure that this information is readily accessible in locations that enable the customer to obtain it discreetly.

Licensees must put into effect policies and procedures for customer interaction where they have concerns that a customer's behaviour may indicate problem gambling. The policies must include:

- Identification of the appropriate level of management who may initiate customer interaction and the procedures for doing so;
- The types of behaviour that will be logged/reported to the appropriate level of staff and which may trigger customer interaction at an appropriate moment;
- The circumstances in which consideration should be given to refusing service to customers and/or barring them from the operator's gambling premises;
- Training for all staff on their respective responsibilities, in particular so that they know who is designated to deal with problem gambling issues.

### **Condition: Self-Exclusion Systems**

Please note that the Commission does not require the licensee to carry out any particular assessment or make any judgement as to whether any previously self-excluded individual should again be permitted access to gambling.

Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.

Any licensee who is found to have **refused** a customer's self-exclusion request will place their Licence in jeopardy. If a licensee refuses to take remedial action under this condition after having received a Notice to remedy the breach, the Commission may commence revocation proceedings.

Self-exclusion procedures should require individuals to take positive action in order to self-exclude. This can be a signature on a self-exclusion form.

Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.

Customers should be given the opportunity to discuss self-exclusion in private where possible.

Licensees should take steps to ensure that:

- The self-exclusion period is a minimum of 6 months;
- A customer who has decided to enter a self-exclusion agreement is given the opportunity to do so immediately without any cooling-off period. However, if the customer wishes to consider the self-exclusion further (for example to discuss with problem gambling groups) the customer may return at a later date to enter into self-exclusion;
- At the end of the period chosen by the customer (and at least 6 months later), the self-exclusion remains in place, unless the customer takes positive action in order to gamble again. No marketing material should be sent to the individual unless the individual has taken personal positive action in order to gamble again, and has agreed to accept such material;
- Where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again, the customer is given one day to cool off before being allowed access to gambling facilities.

Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:

- A register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
- Photo identification (where available and in particular where enforcement of the system may depend on photographic ID), and a signature;
- Staff training to ensure that staff are able to enforce the system;
- The removal of those persons found in the gambling area or attempting to gamble from the premises.

The licensee must retain the records relating to a self-exclusion agreement at least until the agreement has been formally ended.

Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer and must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group within two days of receiving the completed self-exclusion notification. This covers any marketing material relating to gambling, or other activities that take place on the premises where gambling may take place. However, it does not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.

### **Condition: Promoting Socially Responsible Gambling Provisions**

It is a condition of this licence that the licensee promotes socially responsible gambling.

In complying with this condition, the licensee may be required to demonstrate to the Commission how, where and when they have promoted socially responsible gambling. Such evidence may include:

- donations to the Jersey Social Responsibility Fund;
- donations to other Jersey based funds which support socially responsible gambling;
- Other activities that demonstrate support of the promotion of socially responsible gambling.

### **Condition: Donations to the Jersey Social Responsibility Fund**

After consultation on this topic, the Commission concluded that the fairest method for funding was to avoid deploying a levy system across the industry, and establish a set tariff for mandatory contributions.

It is therefore a mandatory condition for all Class I Licence holders to donate to the Jersey Social Responsibility Fund. The donation is calculated in the following manner:

- £250 per shop per annum
- £100 per gaming machine licence (type I & type II) per annum.

**Please Note:** Failure to make this donation is a breach of a Licence condition and is therefore subject to regulatory sanctions that, without remedy, could lead to both a civil financial penalty and the revocation of the Licence.

### **Conditions: Fairness and Transparency**

This Licence is subject to a condition that bets may be accepted on behalf of the licensee only by the licensee or a person employed by the licensee under a written contract of employment.

### **Terms and Conditions Provisions**

Licensees must satisfy themselves that the terms and conditions on which gambling is offered are not unfair and ensure that an accurate summary of the terms on which gambling is offered are made available to customers and set out in plain and intelligible English. It is **recommended** that where possible, and dependent on the demography of shop customers, notices should also be produced in Portuguese and Polish.

Licensees must be able to provide evidence to the Commission, if required, showing how they satisfied themselves that their terms are not unfair.

Licensees must ensure that the Commission holds a current copy of the terms and conditions on which gambling is offered and that any updated version is forwarded to the Commission within a reasonable timeframe.

Licensees must ensure that customers are notified of changes to any terms and conditions before they come into effect. Licensees are required to demonstrate to the Commission the methods of notification of changes to any terms and conditions. Licensees must make a record of any disputes arising from any such changes.

Licensees must set out within their full terms and conditions the core elements for the acceptance and settlement of bets. These Rules must cover:

- The circumstances under which the operator will void a bet;
- The treatment of errors, late bets and related contingencies;
- The availability of odds for any ante-post, early show or starting price betting, and the treatment of place, forecast bets etc;
- The treatment of withdrawals, non-runners, and reformed markets;
- The maximum payout limits for a specific betting product and/or generally;
- Any charges made to customers for the use of betting services or products, and how these are calculated (including deductions from winnings for commission, or in respect of withdrawn horses etc);
- The means or medium by which the outcome of an event will be determined;
- Which bets may be accepted on 'pari-mutuel' or 'tote' terms;
- Any special arrangements for settling bets on 'coupled' horses.

### **Acceptance Provisions**

Licensees must issue a betting slip or an electronic acknowledgement (other than in the case of telephone betting) for each transaction, which includes information as to the operator's name and contact details, and words equivalent to 'Bets are accepted in accordance with the operator's rules'.

### **Complaints and Disputes Provisions**

Licensees must put into effect a written procedure for handling customer complaints and disputes. For the purposes of this condition a 'complaint' means a complaint about any aspect of the licensee's conduct of the licensed activities, and a 'dispute' is any complaint which:

- is not resolved at the first stage of the complaints procedure; and
- relates to the outcome of the complainant's gambling transaction.

Licensees must ensure that:

- Customers are told the name and status of the person to contact about their complaint;
- Customers are given a copy of the complaints procedure on request or on making a complaint;
- All complaints are handled in accordance with the procedure.

Licensees must have arrangements in place for disputes to be referred to an independent third party. Customers whose disputes are not resolved to their satisfaction by use of the operator's complaints procedure may refer those disputes to this independent third party. The arrangements under which such complaints are

referred may, but need not, provide for the third party's decision to be binding on the licensee and the customer.

Licensees must keep a record of all complaints that are not resolved at the first stage of the complaints procedure.

Licensees must arrange for a copy of the decision or a note of the outcome of each dispute referred to the independent party to be provided to the Commission.

## **Regulatory Conditions**

### **Access (Commission Staff)**

Licensees must have and put into effect policies and procedures (including staff training programmes) designed to ensure that their staff co-operate with the Commission's officers in the proper performance of their compliance functions and are made aware of those officers' rights of entry to and inspection of the premises.

### **Provision of Information**

The Commission expects licensees to work with the Commission in an open and cooperative way and to inform the Commission of any matters that the Commission would reasonably need to be aware of in exercising its regulatory functions. These are matters that will have a material impact on the licensee's business or on the licensee's ability to conduct its business.

Licensees must provide the Commission with any information that they know relates to or suspect may relate to an offence under the Law, including an offence resulting from a breach of a Licence condition or any code provision having the effect of a Licence condition.

On request, licensees must provide the Commission with such information as the Commission may require about:

- the use made of facilities provided in accordance with this Licence;
- the manner in which gambling authorised by this Licence and the licensee's business in relation to that gambling are carried on;
- information about the range of gambling activities provided by the licensee;
- numbers of staff employed in connection with those activities;
- the licensee's policies in relation to, and experiences of, problem gambling.

Matters which should be notified to the Commission as soon as reasonably practicable, include the following:

- The departure from the licensee's business of any person named in the Licence application, or that person's successor [including relief and duty managers];
- Any reduction in the number of staff employed by the licensee where that has a material impact on the licensee's business;
- The acquisition or disposal by the licensee of gambling premises;

- In the case of corporate licensees, the disposal or acquisition of any group company where that has a material impact on the licensee's ability to conduct its business;
- Any disposal of the licensee's assets where that has a material impact on the licensee's business;
- Any investigation by a professional, statutory, regulatory or government body into the licensee's activities where such an investigation could result in the imposition of a sanction or penalty which, if imposed, could reasonably be expected to raise doubts about the licensee's continued suitability to hold a Licence;
- Any instance of criminal activity, including repeated instances of small-scale theft or fraud, where that has a material impact on the licensee's business;
- Any major breach in the licensee's information security where that adversely affects the confidentiality of customer data;
- Any other matters that have a material impact on the licensee's business or on the licensee's ability to conduct its business.

### **Primary Gambling Activity**

Primary gambling activity for a Class I Bookmakers Licence is betting. Under no circumstances can a shop be allowed to operate without at least one member of staff being physically present on the premises and in clear sight of customers. Wholly mechanised shops are not permitted under Licence in Jersey.

The following general factors or combination of factors that are present in any given premises may indicate that the activity is the primary one:

- The ratio of the space available to customers allocated to the primary gambling activity, to that allocated to other gambling activities;
- The extent to which the primary gambling activity is promoted on the premises and by way of advertising compared to other gambling activities;
- Customer usage of the different gambling facilities;
- The range and frequency of events on which bets can be made.

Facilities for betting must include the provision of information that enables the customer to access details of the events on which bets can be made and to be able to place those bets, obtain details of the outcome of the events, calculate the outcome of their bets and be paid or credited with any winnings.

Where licensees provide facilities for using self-service betting terminals (machines which are designed or adapted for the purpose of making or accepting bets on future real events) the licensee must ensure that the number of betting machines is no greater than the actual number of gaming machines made available for use on any particular premises.

Notices for the public pointing out that odds may differ between the same event if contracted over the counter or via a self-service terminal must be in place and clearly identifiable.

## **Gaming Machines**

Gaming machines are subject to another licencing regime, governed by a separate Code of Practice and limited to 4 terminals per shop. Gaming machines may be made available for use in a Class I Licence betting premises and should be considered ancillary to the main facilities for betting available within that shop or office.

## **Reporting Conditions: Corporate**

### **Notification of Shareholders**

All company licensees must notify the Commission, on an on-going basis, of the name and address of any person who becomes a shareholder in the company or its holding company holding 5% or more of the issued share capital of the company or its holding company; or any existing shareholder who acquires a holding of 5% or more of the issued share capital of the company or its holding company.

### **Notification of Directors**

All company licensees must notify the Commission of the name and address of any person who becomes a principal in the Company or its holding company.

### **Financial Returns**

The Law makes it a mandatory requirement for licensees to make a Regulatory Return, but the Commission has flexibility as to the manner in which, and times at which records, accounts and annual statements are to be made, retained, verified and sent to the Commission.

The Commission's requirements for this data are detailed under the heading of **The Regulatory Return**, this section explains in detail what the Return must contain, however, the format for the Return will be published as a dedicated electronic form.

## **Anti Money Laundering and Combating the Financing of Terrorism:**

### **Condition: compliance with Code of Practice**

It is a mandatory licence condition for licensees to comply with the Code of Practice for Anti-Money Laundering and Counter-Terrorist Financing for Licensed Bookmakers issued by the Commission.

Licensees, as part of their internal controls and financial accounting systems, must have and put into effect policies and procedures concerning the handling of cash and cash equivalents designed to minimise the risk of crimes such as money laundering, to avoid the giving of illicit credit and to provide assurance that gambling activities are being conducted fairly.

### **Condition: Customer Accounts**

Licensees who hold customer funds by way of a credit account for use in future gambling must set out clearly in writing, which is available to customers, whether they protect customers' funds in the event of insolvency and the method by which this is achieved.



## **Marketing and Advertising Provisions**

All advertising of gambling products and services should be undertaken in a socially responsible manner. In particular, licensees should comply with the Commission's Policy Statement for Advertising Commercial or Charitable Gambling that applies to the form and media in which they advertise gambling facilities or services. For media not explicitly covered by this Policy, licensees should apply the principles included in the Policy as if they were explicitly covered.

As a general principle, licensees should comply with any relevant Code of Practice or advice issued by the UK Advertising Standards Authority. However, any particular restriction on allowing people aged under 25 to appear in adverts need not be applied to point of sale advertising material, provided that the images used depict the sporting activity that may be gambled on and not the activity of gambling itself and do not breach any other aspect of the advertising codes.

Licensees must ensure that any external marketing or advertising includes details of how to access relevant responsible gambling information.

Licensees must ensure that advertisements for gambling must not:

- Portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm;
- Be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture;
- Suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security;
- Exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons;
- Link gambling to seduction, sexual success or enhanced attractiveness.

## **Reward or Bonus Schemes**

Holders of a Class I Licence may offer reward or bonus schemes subject to the following conditions:

A person must register to participate in any scheme. There should be no automatic enrolment.

A customer or potential customer is clearly informed of any Terms and Conditions applied to the receipt of money, goods, services or any other advantage promoted by or through the scheme. Terms and Conditions must be clear and unambiguous.

In relation to gaming machines, all facilities offered by the gaming machine must be equally fair to all customers. There should be no advantage in respect of the chances of winning earned or conferred by virtue of being a member of a scheme or holder of a Loyalty Card. This condition does not preclude the operator from offering

specific and exclusive games solely for the play of loyalty scheme members, but where a game is accessible to all then those chances of winning must be the same for every customer.

The promotion of loyalty schemes must comply with the Advertising Policy.

Any benefits devised by the scheme to reward customers should not be:

- dependent on a customer's gambling for a predetermined length of time or with a predetermined frequency;
- altered or increased if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered.

**Self-Exclusion:** where a member of a loyalty scheme self excludes the operator must suspend the individual's membership of that scheme.

The operator must take all reasonable steps to ensure that marketing materials for loyalty schemes or other promotions are not sent (in any material or electronic form) to self-excluded persons.

**Please Note:** The Commission retains the right to curtail certain promotions if the content is considered at variance with social responsibility principles.

The Commission may from time to time request specific data relating to or generated by these schemes.

### **Conditions: Self Service Betting Terminals**

All betting premises in Jersey must accept over the counter bets and be manned by at least one cashier or duty manager. Self-Service Betting Terminals may be installed, but the number of these terminals must not exceed the permitted numbers of Gaming Machines (subject to a separate licence).

The siting of Self Service Betting Terminals attract the following conditions:

- The number of Self Service Betting Terminals must not exceed 4 per premises;
- There can be no reduction in staffing to compensate for the installation of Self Service Betting Terminals;
- The Self Service Betting Terminals offer nothing but a betting function; it must not offer gambling games or any other such services licensed in Jersey by the Commission;
- The terminal is not an Internet terminal in the sense the customer cannot gamble online with any remote gambling presence the licensee may have or be affiliated to or any other remote gambling operator;

- The odds on any event must be displayed as if posted by the licensee and the licensee has full responsibility for honouring any such bets. The bet struck in Jersey over Self Service Betting Terminals will be defined as if it were struck over the counter in the betting office: any bets are therefore struck in Jersey and subject to the full extent of Jersey Law.
- The information supporting the calculation of odds may be supplied by a third party.
- Prior to installing any Self Service Betting Terminal the licensee must seek approval from the Commission and provide the following information:
  - How will self-service betting terminals receive payment for bets;
  - How are winning bets honoured;
  - Who will provide the terminal;
  - The terms of provision (hired or purchased);
  - Terminal type and model;
  - The level of access provided to the Commission via a monitoring service;
  - Provide proof that on screen content contains responsible gambling information;
  - Provide information on the display of betting events e.g. form, odds, results;
  - Transparency: over the counter odds and SSBT odds may differ for the same event, customers should be made aware of this (either via the terminal or in the form of a shop notice) to enable them to make an informed choice;
  - The range and frequency of events on which bets can be made.

## **General Conditions**

It is a condition of every Licence that gambling must only be conducted from those premises stipulated on the Licence and that those premises are acceptable to the Commission.

It is a condition of every Licence that gambling must not be advertised to or at children which for the purpose of this Licence means under 18 year olds.

It is a condition and a point to prove that the applicant or licensee requests and obtains approval from persons arranging and managing events prior to offering any gambling under this Licence.

The expiry of a Licence does not remove any obligations contracted by the former licensee during the months of that Licence's validity.

It is a condition of every Licence that gambling must comply with the Data Protection (Jersey) Law 2018 and anti-money laundering and counter terrorism legislation.

It is a condition of all licences and permits that the holder should inform the Commission of any occurrence, incident or event that affects their suitability to hold a Licence or which the Commission might ordinarily expect to be made aware of.

## **Cheating**

The holder of a Licence should note that cheating is a criminal offence and any incidence should be reported to the police. The Bookmaker must retain records of actual or suspected cheating incidents.

## **Staff**

### **Key Individuals: Personal Declarations**

The Commission does not require individuals to hold separate personal licences to undertake decision making responsibilities for the operation of bookmaking facilities in Jersey. However, on application the operator must identify such persons who will have a direct influence over betting operations and the facilitation of betting products to the public and submit their Personal Declarations along with the application for a Licence.

### **Condition: Approval of Betting Office Managers (Duty, Relief, Area)**

Before an employee can be promoted to undertake managerial responsibilities within a betting office a criminal records check must be undertaken.

Regulation 11 of the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002 allows the Commission to assess the suitability of person or applicant through a criminal records check. However, the Commission may only insist on a check under the following circumstances: firstly, to hold any licence or certificate issued by the Commission and secondly for employment in any occupation for which any licence, certificate or registration is required.

Accountability is an on-going relationship with the Commission; as with key personnel, a betting shop manager must notify the Commission of the occurrence of any of the following significant events within five working days, or as soon as reasonably practicable after the individual or indeed the licensee becomes aware of any of the following incidents:

- They are subject to any criminal investigation;
- They are convicted of any criminal offence;
- They are subject to any current or pending investigation by a professional, statutory, regulatory, governmental body or States Department in Jersey or abroad;
- Any sanction or penalty against them following an investigation by any professional, statutory, regulatory or governmental body in Jersey or abroad;
- Any imposition of a disciplinary sanction against them, including dismissal, for gross misconduct;
- Their resignation from a position for which they were vetted following commencement of disciplinary proceedings in respect of gross misconduct;
- A change in their name or address.

It must be noted that a failure to report any of these matters detailed above may result in the Commission issuing a Direction under Article 35 (2) (b) and (c), prohibiting a person to work in gambling services and imposing a condition on the employer's Licence to enforce this action.

**Condition: Holiday/Absence Cover**

All operators must have an approved manager for every premises cited on the Licence as well as sufficient numbers of relief managers to cover temporary absence. It will be a breach of this condition if the licensee leaves the management of betting facilities to persons not approved by the Commission for any period of time exceeding 3 days.

**Directions as to Staff**

As referred to above the Commission has the power to issue a direction under Article 35 (2)(c) requiring any individual to:

- not perform a specified function (or any function at all) or,
- not engage in specified employment (or any employment at all) or
- not hold a specified position (or any position at all) in the business or conduct of a Licence.

This power also forms a mandatory Licence condition under Article 16(4) of the Law. It therefore follows that it is a condition of every Licence that the licensee must not allow an individual to perform a function, engage in employment or hold a position, if the licensee knows or can reasonably be expected to know that such performance, engagement or holding is in contravention of a direction. For example, if the Commission considers certain employees or associates of the licensee not fit and proper then they cannot be involved or employed in the conduct of the gambling.

**Condition: Right of Entry and Inspection**

It is a condition of the Licence that the licensee must co-operate with the Commission to enable it to carry out reasonable routine examinations, including occasional examinations without advance notice.

In connection with any routine examination, it is a condition that the licensee must:

- supply to the Commission information in a format and at times specified by the Commission;
- provide answers to questions asked by the Commission;
- allow officers or agents of the Commission to enter any premises occupied or used by the licensee in connection with or in preparation for the conduct of the gambling;
- allow officers or agents of the Commission, while on the premises:
  - to search the premises,
  - to examine equipment on the premises,
  - to take possession of any information or documents on the premises or accessible (electronically or otherwise) from the premises,
  - to take, in relation to any such equipment, information or documents, any other steps that may appear to be necessary to preserve them or prevent interference with them,
  - to require any person present on the premises to provide an explanation of such equipment, information or documents, if the person appears to be in possession of relevant information,

- to take copies of, or extracts from such documents.

### **Condition: Change of Control and Membership**

It is a condition of the Licence that the licensee must at the request of the Commission, at any reasonable time and whether or not in connection with a routine examination, provide the Commission with the information that the Commission may reasonably require in relation to the ownership and membership constituting the licensee and in a form published by the Commission.

It is a condition of the Licence that the licensee must inform the Commission of the incidence of material change to the structure of the business.

### **Condition: Duty to provide information**

The licensee must provide the Commission with any information in their possession if they know or have reasonable cause to believe that the information is relevant to the exercise of the Commission's functions under the Law in relation to the licensee.

The licensee should apply an objective test to information of material significance and consider whether a failure to disclose this information would likely result in the Commission being misled on any matter in relation to the exercise of its regulatory functions.

Unless in cases where the information provided is found to be false, it should be noted that any Statement made by the licensee under this condition may **not** be used by the prosecution in evidence against the licensee in any criminal proceedings. However, nothing prevents the Commission from using this statement for the purpose of pursuing its functions including the imposition of a civil financial penalty.

### **Condition: Maintaining a current address**

It is a condition that the Licensee provides and maintains a current address at which the licensee agrees to accept service of any documents under the Law, and which is to be taken to be that person's proper address for the purpose of Article 7 of the Interpretation (Jersey) Law 1954.

## **Place of Business**

This Policy defines what a betting office is and what a Bookmaker is allowed to offer, along with accompanying responsibilities. This does not mean that the Commission no longer has any interest in where the Bookmaker conducts business or that the absence of formal approval implies the Regulator has no authority in respect of the shop or office.

### **Condition: Access**

Access to the premises shall be from a street or from other premises with a Class I Licence. Apart from this there shall be no direct access between the premises and other premises that are used for the retail sale of merchandise or services.

**Condition: Stated Address**

It is a Condition that a Bookmaker only contracts bets within a premises notified to the Commission and stated as the place of business on the Licence, and for which a fee has been received.

**Condition: Relocation**

It is a condition that the licensee follows the stepped approach in respect of relocation:

1. The licensee must inform the Commission of any relocation plans prior to moving premises.
2. The licensee must undertake all necessary research to ensure the premises is not subject to any conditions contained in any other legislation, covenant or deed.
3. The licensee must ensure that any relocation would not be contrary to the guiding principles of the Law.
4. The licensee must give assurance to the Commission in writing that no impediment to the relocation has been discovered.
5. The Commission will provide in writing assent in principle to the move.
6. Once the licensee has refitted the premises for the facilitation of betting and gaming, it must inform the Commission of a proposed opening date and invite officers to visit the new premises.
7. The Commission will amend the licensee's Licence to reflect the new premises.
8. Any relocation will be considered a continuation of an existing Licence.
9. Any relocation does not permit the old and the new premises to operate simultaneously unless the licensee applied for an additional premises.

**Condition: Additional Premises**

The application for additional premises is a more formal procedure than the relocation requirements documented above. Additional premises will attract the defined fee per place of gambling business as set out in the Fees Notice. The licensee will submit to the Commission a proposal for an additional premises detailing the betting and gaming they mean to offer along with adequate staffing ratios.

The licensee should be aware that an administration fee may be applied to any such proposal.

The procedure for relocation, namely 2 – 7 will apply to the request for additional premises.

**Please Note:** The licensee should be aware that conditions applied by the Commission reflect the remit of the Regulator and do not extend to encompass other areas governed or restricted by other legislation or civic ordinances.

## **Applications**

All Licences are subject to an application process. Certain conditions apply to the grant of a Licence and remain conditions after it has been granted. In considering the application for any Licence the Commission must ensure that in granting it there is no contravention of the Guiding Principles (as outlined above).

Therefore, the applicant must satisfy the Commission that they are fit and proper persons to hold a Licence and that business is conducted in such a manner as would not bring the Island into disrepute.

### **Applying for a Licence (Article 11)**

Applications must be made on forms provided by the Commission. These forms may require the applicant to supply supporting information to enable the Commission to consider whether the applicant meets the criteria for the grant of a Licence.

### **Request for further information**

The Commission may at its own discretion request further information or documentation from the applicant in determining whether to grant a Licence. It should be noted that the Commission may also by written notice require the applicant to provide a report by an auditor or accountant, or other expert or qualified person.

### **Change of circumstances during the application process**

A duty is placed on the applicant to inform the Commission in writing of any change pertinent to an application. For instance, if staffing has changed or the licensee is subject to criminal or civil proceedings arising after the application was made. Any intervening circumstances would understandably alter the veracity of the original statements made to the Commission by the applicant. Once the applicant is aware of any material change it must inform the Commission as soon as reasonably possible and before the Licence is issued; failure to do so may result in the revocation of that Licence on the grounds of providing false or misleading information.

### **Withdrawing an Application**

It remains the right of the applicant to withdraw the application at any time before the Licence is granted or refused. The applicant must supply a written notice to the Commission stating the intention to withdraw the application.

The Commission may refund all or part, or none of the application fee depending on the applicant's circumstances and the stage of processing the application has reached at the time the withdrawal request is made and received.



### **Grant of a Licence (Article 12)**

An applicant must provide the Commission with details of the structure of the operation, who is involved in managing activities, promotion and control of the gambling and all beneficiaries of the operation. Betting is a specialist activity and any applicant must be in a position to prove competence, knowledge and background in relation to this specialist area.

It should be noted that the Commission is not compelled to award a Licence just because someone has applied for one.

The Commission may only grant a Licence if it has examined and is satisfied with the applicant's:

- integrity,
- competence,
- financial standing,
- structure and organisation.

The applicant may then be considered a fit and proper person to facilitate gambling under the Licence.

The Commission is also bound to determine whether the grant of a Licence will not be harmful to the reputation and integrity of Jersey in gambling matters along with commercial and financial matters.

### **Testing**

The Commission reserves the right to approve and appoint an independent person to test each item of equipment or device that will be used in relation to the betting to ascertain and confirm the equipment complies with the guiding principles and is in compliance with any relevant code of practice, if appropriate.

### **Matters the Commission must take into account**

Without limiting the matters that the Commission may take into account in determining whether to grant a Licence to an applicant, the Commission must take into account the following matters:

- financial standing e.g. the ability to meet and honour any promoted odds;
- whether the applicant has at any time been subject to adverse findings, in either the provision of gambling services or gambling related services by a law enforcement agency situated in a country or territory outside Jersey.
- whether the applicant has at any time (whether or not in relation to the application) in any case where information was required under the Gambling (Jersey) Law 2012:
  - failed to provide any information, or
  - provided to the Commission information which was untrue or misleading in any material particular.

## **Compliance History of Licensees**

The compliance history of the Licensee will be reviewed when considering any application for a new Licence. These matters are prescribed in the Law and are as follows:

In reaching a decision on whether to grant a Licence the Commission must make certain that the applicant business has sufficient connection with Jersey to enable it to take effective enforcement action against the business if so required.

In examining the application the Commission must consider whether the proposed gambling activities correspond to the correct Licence and regulatory regime or whether another form of permission would more properly fit the gambling proposition.

For the exclusion of doubt a Class I Bookmakers Licence only applies to the facilitation of betting within an approved premises or, where required, at a live event previously agreed. **NOTE:** there can be no commercial diversification without approval from the Commission.

The Commission must consider whether the applicant has at any time failed, in any material respect, to comply with a condition on a current or previous Licence, a Code of Practice or direction given to the person at any time.

The Commission must consider whether:

- at any time a direction has been given on the basis of any default by the applicant;
- an injunction has been issued under Article 36(2) to the applicant;
- an order has been made under Article 36(4) on the basis of any contravention by the applicant,
- the applicant has been the subject of an order for intervention under Article 37,
- a Licence held by the applicant has been revoked under Article 38, or
- the applicant has been served with a final notice of a civil financial penalty under Article 39.

## **Convictions**

Remembering that one of the Commission's key licensing principles is to keep gambling crime free, this necessarily extends to all applicants for a Licence. The Commission must take into account any convictions, and this includes transgressions of the business or any person employed by or associated with the applicant business. Convictions include:

- an offence under the Gambling (Jersey) Law 2012, Gambling (Ancillary Services and Miscellaneous Provisions)(Jersey) Regulations 2012 or the Gambling Commission (Jersey) Law 2010,
- an offence under the anti-money laundering and counter-terrorism legislation;
- an offence under the Data Protection (Jersey) Law 2018, the Supply of Goods and Services (Jersey) Law 2009 or the Distance Selling (Jersey) Law 2007;
- an offence of perjury or conspiracy to pervert the course of justice, or any other offence involving fraud or other dishonesty,

- any similar offence, under the law of a country or territory outside Jersey.

### **Applying for a New Licence**

A Licence lasts for 5 years and if an application is received for a Licence before the expiry of another Licence for the same activity from the same person or company, the Commission may not necessarily insist on repeating a full due diligence investigation if that applicant has a proven compliance record. In considering the application for a new Licence, the Commission must consider whether it holds any relevant information previously obtained by it in connection with the expiring Licence; and it may rely on that information unless it has any reason to believe that the information may not still be current.

### **Grounds for refusal or revocation of a Licence**

In line with the matters the Commission *must* consider when assessing an application, the following matters – which are not exhaustive - may compel the Commission to revoke or refuse an application for a Licence:

- the applicant has held a Licence previously and proved to be incompetent or negligent or dishonest;
- the licensee fails to pay fees;
- the licensee or applicant produced misleading and inaccurate information when applying for a Licence or subsequently under the reporting conditions applied to a licensee;
- the licensee has breached such conditions of a licence without taking remedial action required and set out in notices from the Commission;
- on application the person is found not to be bona fide or indeed would require another form of commercial gambling licence;
- the licensee or applicant requests it;
- Jersey's reputation is imperilled;
- supplying unfair gambling products,
- if the Commission has issued a direction under Art.16(4) to the licensee (refer to Staff heading);
- the applicant has been convicted of an offence under the Law, or of an offence involving fraud or dishonest;
- the business carried on under a licence previously granted to the applicant has not been properly conducted;
- the Commission is not satisfied that the applicant is, or satisfactory evidence is produced that he or she is not a fit and proper person to hold such a Licence;
- it appears to the Commission that the applicant is under the age of 18 years.

The Commission must articulate reasons for refusing and revoking a Licence in line with Article 43 (notification of decisions) and the right of appeal must be applied under **Article 45**.

### **Article 43: Notification of decisions**

The Commission must notify the applicant or licensee (where applicable) of:

- the decision to grant a Licence and the conditions applied to that Licence (duties clarified by a statement/policy produced under Article 9),

- the decision to refuse a Licence and the reasons leading to this decision,
- any remedial action required by the applicant to obtain a Licence,
- the revocation of a Licence and the grounds for that revocation,
- the effective date of any of these notifications.

**Please Note:**

A licensee has the right to appeal any enforcement decision pursued by the Commission.

**Surrender of Licence**

If a licensee wishes to surrender their licence, they must notify the Commission in writing. The licensee must complete a Cessation of Business Plan, the format of which can be obtained from the Commission. The Commission will not revoke a licence until it is satisfied that the Cessation of Business Plan has been completed to its satisfaction.

The surrender of a licence does not relieve the former licensee of any penalties or other obligations due to the Commission.

**The Regulatory Return**

On request, licensees must provide the Commission with such information as the Commission may require about the use made of facilities provided in accordance with this Licence, and the manner in which gambling authorised by this Licence and the licensee’s business in relation to that gambling are carried on, including in particular information about:

- numbers of people making use of the facilities and the frequency of such use;
- the range of gambling activities provided by the licensee and the numbers of staff employed in connection with them;
- the licensee’s policies, systems and experience of problem gambling.

If a licensee misrepresents or fails to reveal information they are asked to provide, without reasonable excuse, an offence will have been committed under Article 34 of the Law. Anyone providing information of a false or misleading nature risks prosecution.

Please note that, after receipt of a completed Regulatory Return, the Commission may still need to contact the licensee for any further information considered necessary in order to process the Regulatory Return.

All information provided to the Commission will be processed in accordance with the Data Protection Law and treated as commercially sensitive.

**Why does the Commission need this Information?**

The regulatory framework for gambling places the onus for securing the licensing objectives with licensed operators. As part of the Commission’s compliance

programme, operators may often be asked to provide evidence that demonstrates how they know that the policies and procedures they have put in place to secure the licensing objectives are effective. This may include other information not detailed in the areas addressed below that represent the substance of a regulatory return. The Commission believes that the information requested under this heading is likely to reflect records maintained for operational purposes.

### **Timing: Submission of Regulatory Returns**

The Regulatory Return will be submitted annually and within 42 days of the anniversary of the date of the award of the Licence. This should give sufficient time to produce the necessary information, and it is accepted that financial elements of the data are unlikely to have been audited.

### **Total Number of Employees**

Licensees must report the total number of employees. This is the number of individuals employed at a given time, irrespective of the hours they work. Count each person as one regardless of whether they work full time or part time.

An employee is anyone that the licensee directly pays from its payroll(s), in return for carrying out a full time or part time job or being on a training scheme. This includes workers who are employed in relation to the licensed activity who are:

- paid directly from this business's payroll
- temporarily absent but still being paid, for example on maternity leave.

Do not include:

- employees not employed in relation to the licensed activity (e.g. cleaners)
- former employees only receiving a pension
- self-employed workers

### **Social Responsibility: Funding**

A social responsibility Licence condition requires licensees to support the Social Responsibility Fund that was established to promote research, education and treatment with respect to socially responsible gambling. While licensees are obliged to contribute annually to this fund, the Commission requires details on any other monetary or non-monetary contributions made to one or more organisations dealing with these three aspects of socially responsible gambling whether in or outside of the Island,.

### **Operational Complaints**

Licensees must keep a record of all complaints that are not resolved at the first stage of the complaints procedure. It is a Licence condition for licensees to log complaints made about any aspect of the conduct of the licensed activities. Those complaints that are resolved very readily need not be recorded in the Regulatory Return. All other complaints logged within the reporting period need to be recorded irrespective of the outcome.

A complaint is an expression of dissatisfaction made to the licensee about any aspect of the conduct of licensed activities. Complaints not relating to licensed activity, such as the quality of the décor or facilities would not need to be logged. Complaints that should be logged usually concern the outcome of the customer's gambling or involve wider concerns about the way in which gambling is conducted by the operator.

Complaints can be expressed orally or in writing and may occur in person, over the telephone, by letter, by email, or via online support.

### **Disputes**

A 'dispute' is any complaint which is not resolved at the first stage of the complaints procedure; and relates to the outcome of the complainant's gambling transaction.

Licensees must record the number of disputes that have occurred over the period relating to the regulatory return..

### **Independent Party Resolution**

These disputes may sometimes be raised directly with an independent party, without the prior knowledge of the licensee. The outcome of these 'third party' disputes must be notified to the Commission, which is a separate requirement to the Regulatory Return.

### **Self-Exclusion**

The licensee must provide information regarding the total number of self-exclusions made during the reporting period.

### **Breaches of Self-Exclusion**

The licensee must report the number of known breaches of self-exclusion during the reporting period. This includes the number of times a self-excluded customer attempted to gain access to the betting office, attempted to gamble, or succeeded in gambling. In such cases the licensee must record how staff dealt with any of these scenarios.

### **Return to Gambling**

The licensee must record and report the number of individuals electing to return to gambling after the self-exclusion period ends.

### **Age Verification**

Licensees are required to report on the number of people asked to provide proof of their age. This means all persons challenged to provide satisfactory identification documents. The Commission also requires a record of those persons challenged who were unable to produce any document to verify their age.

### **Underage Gambling**

The Commission understands that despite a licensee's best efforts underage gambling may occur. The licensee must report on all incidents where a person has gambled who subsequently was discovered to be underage. The licensee must

document these incidents; explain what happened and how the situation was remedied.

### **Incidents of Customer Interaction**

Licensees are required to implement policies and procedures for customer interaction where there have been concerns that a customer's behaviour may indicate problem gambling. Customer interactions must be recorded and the total number of incidents reported in the regulatory return.

An interaction under this heading means some intervention by a member of staff concerned that a customer may have a gambling problem. Even if the intervention is rebuffed, this must be recorded as a positive action taken by a member of staff. Licensees should also define interaction as cases where a member of staff initiated the self-exclusion process.

### **Disruptive or Anti-Social Behaviour**

The Commission requires the licensee to record all incidents of aggressive, threatening or violent behaviour experienced by staff from customers within the betting office. Incidents where police assistance has been requested (whether received or not) should be highlighted in the regulatory return.

### **Proceeds of crime: Suspicious Activity Reports**

With reference to the Anti-Money Laundering Code of Practice, licensees are required to report on the number of Suspicious Activity Reports (SARs) submitted to the Jersey Financial Intelligence Unit over the period relating to the regulatory return.

### **Financial Information**

The Commission requires a set of management accounts for the business or group of businesses licensed in Jersey, clearly separated by activity, on an annual basis.

The Commission requires a set of audited accounts to be submitted within 14 days of being signed off by the auditors.

**Please Note:** it is not a requirement for licensees to have accounts audited. However, where a licensee does have accounts audited a copy should be sent to the Commission.

### **Gross Gambling Yield (GGY) or Gross Win**

GGY is the amount retained by licensees (wholly in respect of betting/gaming activity) after the payment of winnings, but before deducting costs of operation e.g. total amount of stakes received, minus the amount paid out in winnings. The Commission will require the licensee to record the GGY in the regulatory return.

### **Betting Slips**

The Commission needs to understand the range and frequency of bets transacted over the course of the year. As far as it is possible, a licensee must report the number of slips taken, turnover and GGY for each category of trading listed, as well as providing totals.

The Commission is aware that a number of operators may be unable to provide information by category of trading, due to current recording systems. Where this is the case, operators should provide information relating to the total number of slips taken, the total turnover and the total GGY.

### **Accounts**

Where credit betting accounts are held by the licensee, a record of these accounts is required to be submitted on the Return detailing the number of individual accounts held and the GGY generated by this service.

### **Gaming Machines**

Although subject to a separate licensing regime (exclusive to bookmakers), licensees should report the GGY for the period relating to the regulatory Return.

### **Bookmaking On-course and at other Sporting Events**

Please refer to the dedicated Licensing Policy as it applies to the record keeping and reporting requirements for bookmaking at Jersey sporting events. Bookmakers operating a Betting Office and who also bet on-course will have to make a separate Return for on-course betting activities.

### **Pool Betting**

Operators offering pool betting should report on this trading in the annual Return. The report should contain detail on number of bets taken, the net turnover, and the net profit for each category of trading listed.

### **Statement: Self-Certification**

A self-certification statement forms part of the annual Regulatory Return which must be submitted to the Commission. It needs to be signed by a key individual holding a specified management role (e.g. someone who was required to submit a personal declaration). For small-scale operators, the person with control of the business should sign the certification. We would expect the signatories to make reasonable enquiries of the Board of Directors and other key staff who play a significant role in ensuring compliance with the operator's licence conditions and Codes of Practice.

The extent of reasonable enquiries may differ between licensees and size of business but the Commission suggests that these should include:

- referring to the current trading position and any financial projections that may exist and assessing whether there is a significant likelihood of the business experiencing financial difficulties;
- reviewing the adequacy of resources and arrangements (policies, systems and controls) in place to ensure compliance with licence conditions and Codes of Practice;
- enquiring of the Board and other key individuals whether they are aware of any factors or pending changes that may threaten the business's ability to meet the licence conditions and Codes of Practice.



In signing the statement, the Commission envisages that key individuals of larger entities will be able to draw on a number of sources of assurance, including:

- existing trading position;
- financial projections;
- results of compliance/internal audit/assurance work;
- complaints information;
- external auditor's report;
- customer feedback surveys; and
- independent reviews/consultants' reports.

For smaller entities, owners or managers will be more aware of all aspects of the business and will be able to use this knowledge to give the necessary assurances.

**Please Note:** The Commission will not underwrite the financial viability of licensees and understands that unforeseen events (financial or otherwise) may arise which cause financial or other difficulties. As indicated above, the Commission expects licensees to make reasonable enquiries and to use the information it has to make sound judgements.

### **Duty to Report Maintained**

Filing a Regulatory Return does not supersede the duty of reporting directly to the Commission those significant events forming 'reporting' licence conditions. Any event that could have a significant impact on the nature or structure of a licensee's business must be notified to the Commission as soon as reasonably practicable and in any event within five working days of the licensee becoming aware of the event's occurrence. The following examples are not an exhaustive list, but act as illustrations of what a significant event can constitute:

- a petition presented for the winding up of the company (including holding companies and subsidiaries);
- a company placed in administration or receivership (inclusions above applied);
- a licensee who is an individual (or a partner in a partnership licensee) presented with a petition for bankruptcy or sequestration or entering into an individual voluntary agreement;
- any professional dispute over accounts where auditors are unable or unwilling to sign an unqualified audit report;

- any change in control or alteration in senior management structure of the licensee;
- disciplinary sanction, dismissal of senior management for gross misconduct;
- any breach of a covenant given to a bank or other lender;
- any default in making repayment of the whole or any part of a loan on its due date;
- any court judgments remaining unpaid 14 days after the date of judgment;
- the commencement of any material litigation against the licensee.

### **Applying principles to functions**

The regulator expects to apply the following principles in exercising its functions under the Law. These principles have been formulated with a view to ensuring that the Commission regulates in a transparent, accountable, proportionate, consistent and focused manner.

### **Regulating gambling in the public interest**

The Commission will regulate in the public interest, having regard to, and in pursuit of, the guiding principles in the Law. In doing so the Commission will work with the sector and other stakeholders and will ensure that it takes into account:

- the need to protect the public;
- the need to maintain public confidence in the sector and the Commission;
- the importance of declaring and upholding proper standards of conduct;
- the competence of Licensees.

### **Reviewing regulatory approach**

The Commission will keep its regulatory approach under review, and will make changes to that approach when appropriate (for example, to reflect experience or new developments or guidance under Article 5 of the Gambling Commission (Jersey) Law 2010).

### **Consultation**

The Commission will consult on changes to its regulatory approach where it is appropriate to do so.

### **Decision making processes**

The Commission will ensure that regulatory decisions are properly reasoned and evidence-based and undertaken in a timely manner.

### **Confirming licensing and regulatory decisions**

The Commission will provide written notification of regulatory decisions, including:

- a clear explanation of the reasons on which the decision is based (in a level of detail proportionate to its impact); and
- details of any appeal mechanism(s).

### **The opportunity to make representations**

The Commission will provide an opportunity for applicants to make representations to it in appropriate circumstances.

### **Minimum burden test**

The Commission will ensure that its regulatory approach imposes the minimum burden necessary to promote the guiding principles. The Commission must take into account the regulatory impact on different types and sizes of applicant and licence holder and ensure, without compromising key principles, it does not unduly hinder the activity.

### **Provision of information**

The Commission will endeavour to keep the sector fully informed of the requirements of the regulatory regime and provide general information, advice and guidance, both on request and on its own initiative, with a view to aiding compliance.

### **Complaints**

The Commission will treat all complaints seriously and will address them in accordance with its complaints procedure.

### **Adopting a risk-based approach**

The Commission will adopt a risk-based approach to regulation to ensure that its resources are concentrated where they are needed and can be most effective.

### **Proportionality**

The Commission will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any action is proportionate to the importance of the matters to which it relates, having regard to any risk assessment.

### **Gambling should be verifiably fair to consumers of those services**

The Commission will ensure that the Licences it issues, together with the conditions it imposes and the codes of practice it publishes, set appropriate standards of conduct for Licensees, in connection with any permitted activity.

In the event of non-compliance, the Commission will ensure that conditions are imposed that deter future non-compliance on the part of the Licensee.

### **Gambling should always be conducted responsibly and with safeguards necessary to protect children and vulnerable people.**

## **Jersey Gambling Commission**

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