

REPRESENTATIONS MADE ON BEHALF OF DREAMBAY LIMITED

The application is submitted by Dreamabay Limited a company owned by husband and wife Floyd and Emma Hyatt. This is a family business that has been in existence for nearly 60 years run by 3 generations of the same family operating Peter Pan Playground.

Mr and Mrs Hyatt have years of experience working in the gambling and leisure industry and are directors of another family owned business Southsea Island Leisure Limited which operates AGCs and FECs on the south coast and Fabcourt Limited another family owned business operating AGCs in the Portsmouth area.

The Applicant has recently been granted an Operating Licence by the Gambling Commission having undergone a lengthy due diligence process during which it had to demonstrate that it would comply by the licensing objectives set out in the Gambling Act 2005 and the Licensing Conditions and Codes of practice issued by the Gambling Commission. The Policies and procedures for operating the company and the site are available for scrutiny today.

The Applicant wishes to open a small AGC to compliment the other entertainment offered on the site which will be known as Harbourlights Amusements. The intended opening hours will be 0900-2100 7 days a week with the exception of Christmas Day but may also vary according to the seasons; the day to day running of the site is undertaken by Mr Hyatt in person.

There is already an arcade on site - a unlicensed FEC operating under a uFEC Permit issued on 30 April 2012. The AGC will offer a total of 20 gaming machines comprising of 4 category B3 gaming machines with a £1 stake and £500 jackpot and 16 other category C & D gaming machines. Category D gaming machines are available for children to play already in the uFEC and both category C & D gaming machines are frequently found in pubs and bars including in the Bowling Alley approximately 200 metres from the proposed site. The AGC will be separated from the uFEC by a small lobby and the entrance hidden by a glass screen so that there is no direct site into the AGC and minimal risk of any accidental drift into the location. It will be monitored by staff including floor walkers and CCTV at all times to prevent children entering as detailed in the Applicants own policies and the BACTA toolkit.

The Applicant does not intend to offer promotions or a loyalty scheme. A copy of the arcade terms and conditions will be displayed at the premises and any changes notified to customers by way of a notice displayed at the premises before they take place.

As is recommended in the Licensing Authority's own Gambling Policy the Applicant is also a member of BACTA the industry trade organisation that represents those in the industry running arcades and supplying gaming machines. BACTA requires all members to abide by its Codes of Practice on operating age verification and self-exclusion schemes for the protection of the vulnerable including BACTA's Multi Operator Self Exclusion scheme which allows problem gamblers to self-exclude not only from its site but also other arcades in the vicinity. BACTA has recently also introduced a change last year intended to protect children by restricting play on category D complex gaming machines to anyone over 16 unless accompanied by an adult.

Gambling Act 2005 Part 8 – Premises Licences

153 Principles to be applied

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-
 - (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

Isle of Wight's Gambling Policy

7.5 When considering applications for premises licences the Licensing Authority will not take into account whether or not there is an unfulfilled demand for gambling facilities within the area. **Every application will be considered on its own merits and will be treated fairly and objectively in accordance with the three Licensing Objectives**

7.6 When determining the location of proposed gambling facilities, the Licensing Authority will consider the proximity of premises to:

- Local schools
- Establishments used for, or inhabited by vulnerable and young persons
- Centres for those with gambling problems
- Residential areas where there is a high concentration of children and young people or where high levels of deprivation exist
- Places of worship, particularly where Sunday Schools are in operation
- Areas of known high criminal activity

This has been covered off in the Local Area Risk Assessment

7.7 In all cases The Licensing Authority will determine each application on its own merits and will consider the type of gambling proposed. The Licensing Authority will expect an applicant for a premises licence to demonstrate how they will promote the licensing objectives.

9.4 When considering applications, the Licensing Authority will have regard to:

- the Licensing Objectives;
- this Policy;
- any Code of Practice issued by the Gambling Commission under section 24 of the Act;
- any guidance issued by the Gambling Commission under section 25 of the Act;

Adult Gaming Centres (AGCs)

10.2 The Licensing Authority will specifically have regard to the need to protect children and

vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that persons under the age of 18 do not have access to the premises. Such measures may include;

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entrance
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

All the above are included within the Applicant's policies and set out in the Local Area Risk Assessment

Representations received

The Applicant notes that no representations have been made by Responsible Authorities including Children safeguarding.

As a preliminary point it is noted that the Ryde Society set out a lengthy set of representations much of which is covered off below but also complained that no local area risk assessment had been submitted which was not the case and I understand that that has now been addressed.

Otherwise the vast majority of the Representations are based on either an objection to an AGC in an area frequented by families or on the grounds of gambling addiction issues.

Peter Pans is a commercial enterprise and not a public space; it is no different to many other such facilities on the coast across the UK, the majority of which include at least a small AGC where the adults can play a £1 stake for a £500 jackpot – this is the softer side of gambling and cannot in any way be compared to that offered in the Bookies across the, Indeed I understand that there are already several other venues on the Isle of Wight including Arcadia which is close to the Applicants site and Sandown Pier that offer both FEC with AGC in close proximity. It is therefore unrealistic to reject the application on these grounds when so many other operators across the country run similar set ups

Representations have been made about gambling addiction in some cases citing figures taken from recent studies and reports. It should firstly be noted that the gambling industry in the UK is one of the most highly regulated especially in premises as opposed to online. The figures for children gambling should also be read in context with the questions they were asked; it becomes apparent that most are admitting to placing private bets with friends or gambling on line or buying scratch cards. Gambling in arcades is limited and in any case is permitted in an unlicensed family entertainment centre such as that that is already located at Peter Pans Playground.

Nevertheless this is an issue that the Applicant takes seriously and which is why it has such stringent policies and procedures in place to protect the vulnerable. This includes Interaction with people showing signs of problem gambling; offering information on how to deal with problem gambling and offering the opportunity to self-exclude from the site as well as other sites in the local vicinity, Staff are trained on these policies on induction and annually

It is also why the Applicant has adopted the BACTA voluntary code to restrict anyone under 16 from playing a category D gaming machine unless accompanied by an adult – not something seen in pubs and bars operating category D gaming machines.

It is also noted that reference has been made to Ryde being a deprived area, but sadly that is the case for many coastal towns these days taking Blackpool as the one of the greatest examples but it is still full of seaside arcades and the operators many who are BACTA members have policies in place like the Applicant to ensure that the vulnerable are protected.

In summary

- The Applicant is authorised by the Gambling Commission having demonstrated a clear set of policies to promote the licensing objectives – failure to comply would result in the operating Licence being reviewed and possibly revoked
- The Applicant is a member of BACTA and complies with its Codes of Practice which again promote the Licensing objectives
- The Applicant's staff are trained on induction and annually on the Applicants policies and procedures
- There have been no representations made by any Responsible Authorities including the Children Safeguarding
- There are other similar venues licensed by the licensing authority and some in the immediate vicinity
- To refuse the application would not sit squarely with s153 Gambling Act where the Applicant has demonstrated that it will operate the site in accordance with relevant principles referred to in that section

DREAMBAY LEISURE LIMITED – POLICIES

The Company and its Directors understand the obligations set out in the Licensing Codes and Conditions of Practice (LCCPs). They will ensure it complies with any relevant social responsibility provision of a code of practice.

The Company is currently a small-scale operator; in the event that an individual begins or ceases to occupy a qualifying position the Company will within 28 days apply to the Commission for an amendment to its Schedule X. The Directors will also report:-

- any Key Events as listed in the Licence Condition 15.2.1 to the Gambling Commission within 5 working days of becoming aware of the event.
- any other matters listed in the Licence Condition 15.2.2 as soon as reasonably practicable.

The Directors acknowledge the Company's duty as set out in Licence Code 15.3.1 to, and will, provide the Gambling Commission with any information it requests in Annual Regulatory Returns or anything else relating to the operation of its arcades including the type of gambling activities provided, the numbers of staff employed, its policies on problem gambling and any experience of that.

The Directors will ensure that they work with the Gambling Commission in an open and cooperative way and will disclose anything that the Gambling Commission would reasonably need to be aware of in exercising its regulatory functions. They will disclose to the Commission anything that is likely to have a material impact on the Company's business or ability to operate the arcades compliantly. They will also provide the Gambling Commission with any information that they suspect may relate to the commission of an offence under the Gambling Act 2005, including an offence resulting in a breach of a LCCP provision that is a licence condition.

PROTECTION OF BUSINESS FROM BEING A SOURCE OF CRIME OR DISORDER

The Directors understand their obligations under the Proceeds of Crime Act 2002 and the Terrorism Act 2000 and are aware that there is a risk that the business might be used for money laundering and terrorist financing.

1. The Directors will from time to time and at least annually conduct risk assessments; additional risk assessments may be conducted when there is an introduction of a new product or technology or method of payment. Where a new risk is identified the Directors will review the Company's policies and procedures and make any necessary amendments and ensure that they are implemented and that there is additional staff training so that staff understand the changes.
2. The Company will make a report to NCA in accordance with its Money Laundering Policy if it is suspected that someone is trying to use the business as a way of laundering money

3. Staff are trained to be vigilant at all times for anyone carrying out any suspicious activities on Company premises including any attempts by third parties to use the business for any illegal activities including for the purpose of money laundering. Staff are trained on how to identify counterfeit money and are required to inform their line manager immediately if a detection is made and then a report would be made to the appropriate authorities.
4. Staff are trained to identify and refuse entry to anyone they suspect of being under the influence of alcohol or drugs. If the individual will not leave the premises then the police may be called for assistance and the incident recorded in the incident log with a view to it being included in the Company's annual regulatory return
5. Staff are trained to report anyone they suspect of trying to cheat to the Director who will make a report to the appropriate authorities. In the event that the police are involved the matter will be recorded in the incident log with a view to it being included in the Company's annual regulatory return.
6. Staff are trained to make a report to a Director if they suspect another operator or a staff member is operating in an illegal manner and in particular committing an offence under the Gambling Act 2005. The Company will then make a report to the appropriate authority including the Gambling Commission and if necessary take disciplinary action against any member of staff involved. In the event that the police are involved the matter will be recorded in the incident log with a view to it being included in the Company's annual regulatory return.
7. The Company audits transactions and accounts and makes regular checks for any suspicious activities.
8. The Company seeks to prevent money lending between customers. Staff are trained to be alert to and identify any attempts by customers to lend money to one another and to report instances of substantial lending to their line manager. Customers will be asked to cease the practice and in certain circumstances they may be excluded from the premises if the behaviour continues.
9. The Company does not provide credit in connection with gambling nor participate in, arrange, permit or knowingly facilitate the giving of credit in connection with gambling. Staff are trained to prevent collusion between customers and staff and disciplinary action will be taken against any member of staff involved.
10. The Company uses CCTV and has staff monitoring its equipment to prevent crime and criminal misuse.
11. The Company carries out due diligence checks on companies that it deals with to ensure they are trustworthy and reputable and comply with any industry regulations and standards. If the Company has concerns about the conduct of a third party that it does business with it

will where appropriate terminate any contract immediately.

12. The Company complies with the codes of practice set by other organisations including BACTA.
13. The Company only uses gaming equipment supplied by companies that hold Operating Licences and regularly checks to ensure that the equipment complies with the Gambling Commission's technical standards. The Company can make the following gaming machines available for use in its AGCs:-
 - Category B3– max stake £2 max prize £500
 - Category B4 – max stake £2 max prize £400
 - Category C – max stake £1 max prize £100
 - Category D – max stake 10p max prize £5

The Company will ensure that it only operates 1 category B3/4 machine for every 4 category C/D machine unless it has premises with grandfather rights when it can operate a maximum of 4 category B3/4 machines. Where applicable, in order to maintain the 20% rule staff are trained to switch off a category B3/4 machine in the event that a category C/D machines becomes unserviceable.

14. The Directors are responsible for the emptying machines and handling the cash which may be delegated to the Arcade Manager. The keys are kept securely in the arcade office with access limited to management only.

PROTECTION OF CHILDREN AND VULNERABLE PEOPLE POLICY

The Company recognises its responsibility and obligation to protect children and other vulnerable persons from being harmed or exploited by gambling as is required by the licensing objectives and the LCCPs.

1. It is an offence for any person who is under 18 years of age to be permitted entry to any AGC premises. Staff are trained as part of their induction that they are under no circumstances to permit access to any AGC by anyone who appears to be under the age of 25 and who cannot prove that they are over the age of 18. Notices are displayed at the entry to AGC premises stating that no one under the age of 18 is permitted to enter or gamble.
2. The Company ensures that it does not offer gambling in a style that is intended to or likely to appeal to anyone under 18.
3. The Company has a think 25 policy and anyone suspected of being under age or believed to be under 25 is asked to produce valid photographic ID as proof of age which includes their date of birth and has no visible signs of tampering or reproduction. Anyone found to be or unable to prove their age will be asked to leave the AGC Premises or refused admission.

Stakes will be returned to anyone who is not able to prove their age but they will not be allowed to keep any prize unless they played on a category D gaming machine. Forged ID may be retained and handed to the police.

4. In the event that a person under 18 repeatedly attempts to gamble at Company premises staff will offer that person information on problem gambling and issue an oral warning that further attempts will be reported to the police. In the event that the said person continues to try to enter the premises for the purpose of gambling the incident will be reported to the police, recorded in the incident log and recorded in the Company's annual regulatory return.
5. If the Company identifies an adult who is complicit in encouraging or assisting someone under the age of 18 to enter and gamble in the premises the Arcade Manager will issue a warning and the Company may consider excluding the adult from the arcades on a temporary or permanent basis.
6. An entry of any incident will be recorded in the incident log kept at the Premises and reported to the Gambling Commission on an annual basis.
7. It is an offence for any child (under-16s) and young persons (those aged 16 and 17) employed by the Company to be engaged, or permitted to be engaged in:
 - Providing facilities for gambling.
 - Performing a function in connection with a gaming machine at any time.
 - Carrying out any other function in an AGC premises whilst any gambling activity is being carried on in reliance on the premises licence.

All staff, including those aged under 18, employed by the Company have been trained about the laws relating to access to gambling by anyone under the age of 18 and which forms part of the induction training for all staff. It is strict Company policy that gaming machines sited at any Company Premises are turned off if anyone under the age of 18 is working on the premises outside the hours when the premises are open for business.

8. The Company understands its obligation under section 10 of the LCCPs as amended from time to time and will carry out a local risk assessment for each premise that it operates. Such local risk assessment will be reviewed from time to time if the Company identifies any changes in circumstances. The Company will also share its local risk assessment with the local authority when applying for a new premises licence or when applying to vary or transfer an existing premises licence.
9. Staff are trained to identify persons who are not capable of making an informed decision about gambling, and to refuse them access to the premises or to ask them to leave and to record the incident in the incident log kept at the Premises.
10. The Company has posters sited in highly visible places in its arcades which provide information about the dangers of gambling addiction and give contact details of how to contact GAMCARE.

11. The Company is committed to protecting staff in the event of any gambling issues brought to our attention by the employee or a member of their close family. It is Company policy that no member of staff is permitted to play any gaming equipment operated by the Company at any locations. This is to protect both the employer and employees against any issues that can arise from the effect of problem gambling. Should the Directors become aware of any staff member breaching these company rules, the staff will be dealt with under the Company's disciplinary procedure and which may result in sanctions including dismissal. Where staff bring their concerns to the attention of the Director they will be offered the same support by way of leaflets, and contact numbers that is provided to customers.

FAIR AND OPEN GAMBLING POLICY

1. The Company offers gambling on fair and open terms; none of the terms on which gambling is offered are unfair terms within the meaning of the Consumer Rights Act 2015 and, where applicable, meet the reasonableness test under the Unfair Contracts Act 1977. Terms of play are benchmarked against these legal requirements
2. Staff are trained on induction that it is essential that the Company is seen to be operating in a fair and open way and that any queries should be immediately referred to the management.
3. Notices are displayed advising customers where they can find the rules and conditions of the gambling facilities provided and how to make a complaint. Any changes will be notified to customers through additional signage prior to any change taking place.
4. Staff are trained to log all complaints in the log at the Premises and to report them to the Company which will attempt to resolve all disputes and if this cannot be done within 8 weeks the complaint will be referred to BACTA for ADR.
5. All records and reports, including the outcome of each dispute, are submitted annually to the Gambling Commission.
6. The Company carries sufficient funds to ensure that there are sufficient resources to cover all gambling transactions and financial obligations.

ENSURING THE PROMOTION OF SOCIAL RESPONSIBILITY IN GAMBLING

The Company understands its obligations to ensure the promotion of social responsibility in gambling as set out in the LCCPs which may be amended from time to time

1. Staff are trained to identify anyone who appears to be gambling beyond their means and that if they have concerns about a customer's behaviour such as agitation, distress,

intimidation or aggression that may indicate problem gambling, staff should caution the customer against continuing to gamble. Staff are also trained to be aware of regular customers, how much they usually spend, how often they usually gamble and to discuss with them any drastic changes in their gambling behaviour and offer advice on where to seek help if they feel it is needed. Such interaction will be recorded in the Customer interaction log, as well as where an interaction is ruled out, the reasons why and whether interaction is initiated at a later date. This information will then be recorded in the Company's annual regulatory returns. Where appropriate staff will refer the matter to a director if there are continuing concerns about a particular customer's behaviour.

2. Information about how to gamble responsibly including how to monitor and control gambling such as self-exclusion, restricting the time spent gambling or the amount of money they can spend is made readily available to customers
3. Information about how to access further help and advice for problem gambling is made readily available to all customers. The information is available in areas where gambling facilities are provided as well as in locations where customers can obtain it discreetly. Such information is available in leaflet form so it can be taken away and details of online support are also made available so information can be accessed via the Internet. If the Company identifies that there are a number of foreign speaking customers using the arcade then the same information will where reasonably possible be provided in those languages.
4. The Company understands that whilst most customers are able to enjoy and control their gambling, it has a duty of care to those who cannot. The Company therefore provides a self-exclusion facility for clients upon their request for a fixed period of time. Customers will be given an explanation, where possible in private, about the consequences of the self-exclusion and encouraged to self-exclude from other local sites. No cooling off period is available but a customer may go away to consider the self-exclusion further and then initiate self-exclusion at a later date. Self-exclusion will have immediate effect upon a customer making a formal request and will last a minimum of 6 months but no more than 12 months and can be extended upon request by periods of a further 6 months.

A Self-Exclusion Request form will be completed and the customer asked to assist by providing an up-to-date photograph showing a good likeness. Customers are also able to self-exclude without having to enter the arcade. A copy of the self-exclusion form will be given to the customer together with information on counselling and support services; a copy will be retained on site for the duration of the exclusion and a further 6 months.

An entry is made in the arcade's self-exclusion log and recorded on the Company's next annual regulatory return. The customer's details will be removed from any marketing data base to ensure that no marketing materials are sent to the customer during the period of self-exclusion. The self-exclusion will only end at the end of the agreed period if the customer takes positive action to end it; the customer will be given a 1-day 'cooling off' period before being allowed access to the arcade. Staff are trained not to permit entry to the arcade to anyone during their self-exclusion period and to immediately remove any self-

excluded customer from the arcade.

5. The Company is also a participant in the BACTA multi-site self-exclusion scheme and customers self-excluding from the arcade will also be informed of the scheme and encouraged to participate.
6. The Company makes an annual contribution to research into socially responsible gambling through a Gambling Commission approved charity such as Gamcare or Gamble Aware.
7. The Company ensures that any advertising is legal, decent and honest and complies with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) and with the Gambling Industry Code for Socially Responsible Advertising. It also complies with the requirements as to digital advertising set out in section 16 of the LCCPs which may be amended from time to time.
8. The Company ensures that any promotions are socially responsible and do not encourage excessive gambling or suggest that gambling is a way of getting out of financial difficulties. The terms and conditions of any scheme is clearly set out and made readily available to customers.

IMPLEMENTING POLICIES AND PROCEDURES

1. The Company understands its obligations to notify the Gambling Commission of key events as listed at sections 15.2 of the LCCPs which may be amended from time to time.
2. The Company acknowledges its obligation to file annual regulatory returns in accordance with section 15.3 of the LCCPs which may be amended from time to time.
3. Staff are given training on induction as to the Company's policies and they are asked to sign a log to confirm their understanding. Further individual training is given if there has been a breach of any policy and/or when felt necessary to ensure staff are kept up to date with legislation and regulatory requirements.
4. The Company acknowledges its obligation to ensure that its staff co-operate with any Gambling Commission's Enforcement Officers and that they are made aware of those officers' rights of entry to premises in order to carry out their compliance function.
5. Staff training has been undertaken to ensure awareness of this policy of co-operation and to ensure compliance with our obligation. Senior management will be informed immediately a Gambling Commission enforcement officer properly identifies himself on the premises, and will attend the officer without undue delay.
6. On request, the Company will provide the Gambling Commission with any information the Commission requests about the use of facilities provided including such as the type of gambling activities provided by the licensee, the numbers of staff the Company employs, its

policies in relation to, and experience of, problem gambling.

7. The Company will also provide the Gambling Commission with any information that they suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a LCCP provision having the effect of a licence condition.

REVIEWING AND ASSESSING POLICIES AND PROCEDURES

1. The Directors keeps up-to-date with the gambling industry and changes to LCCPs via Coinslot and similar publications as well as regular visits to the Gambling Commission website. They will also be subscribed to the Gambling Commission's fortnightly E-Bulletin.
2. The Directors will be responsible for reviewing the policies on an annual basis to ensure that they are still compliant and meet with the LCCP. They will put in place any necessary measures required to changes it policies and will arrange for any further staff training necessary.
3. The Directors will review the policies at any time that there is found to have been a breach of compliance and will put in place any necessary measures to prevent a further breach and will arrange for any further staff training necessary.
4. Staff will be constantly monitored to ensure they have understood the training.