



TENPIN BOWLING PROPRIETORS ASSOCIATION OF GREAT BRITAIN

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25th November 2003

Chris Bone
Department for Culture, Media and Sport
Gambling and National Lottery Licensing Division
2-4 Cockspur Street
London SW1Y 5DH

Dear Sir

28/11/03

The TBPA has a membership of 109 Tenpin Bowling Centres throughout the country, which in turn employs 2,750 Staff. Bowling centres provide a wide range of facilities (Amusement Machines, Diners, Bars, American Pool and Laser Tag games) as well as Tenpin Bowling. Customers enjoy playing amusement machines in our centres and they are an integral part of our leisure offer. The members of the TBPA operate over 1,800 amusement machines covered by the proposed legislation. The profits from these machines are fundamental to the existence of Tenpin Bowling centres in the UK and have been an important factor in the growth of the Tenpin Bowling Industry over the years.

The success of Tenpin Bowling centres is dependant on providing safe, secure and well supervised environments where management are well used to controlling the supply of alcohol and gaming machines to the public including under 18's. Both Magistrates and Local Authorities license Tenpin Bowling centres in respect of amusement machines.

TBPA have studied the current draft legislation and monitored the responses of other trade associations including BISL & BACTA. Whilst sharing similar concerns of other associations detailed below are the main issues relevant to the TBPA members.

Summary of TBPA comments & concerns regarding the Draft Bill

1. Powers of the Gambling Commission and Local Authorities

The powers of the new Gambling Commission need to be very strictly defined and not left too "open". This applies equally to guidelines and codes of practice that may be incorporated in any new legislation. TBPA accepts that the present Gaming Board is lacking some essential powers of investigation and prosecution. This has sometimes allowed illegalities surrounding machines, such as illegal placements, to go unpunished. The police and local authorities, which do have enforcement powers, have competing priorities and lack the time and resources. This can work to the detriment of TBPA members, who constitute a significant proportion of the industry and operate within the law. Hopefully the new Gambling

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Commission, through its enhanced powers, will be able to remedy this via enforcement and prosecution and ensure the whole industry abides by the law.

Whilst welcoming stronger powers being given to the industry regulator, it is also important to ensure fairness. We are seeking to have as much as possible included in the Act to prevent arbitrary or inconsistent applications of the legislation. It is also essential that there is a right of appeal to the courts from decisions of the Gambling Commission. This does not currently exist with the Gaming Board, from whose decisions there is no right of appeal.

Similarly if local authorities are to have total control over all licensing there must be clear objective criteria by which they make decisions to ensure consistency and fairness. Rights of appeal to the courts from their decisions must form part of the new Gambling Act. Appeals should not be to a Government department, as currently exists with planning applications. The courts are the best and fairest way to ensure that all sides have their case heard and the process and grounds for appeal should be made explicit in any new legislation.

2. Protection of Grandfather Rights

There should be grandfather (i.e. established) rights to protect machine numbers in Tenpin Bowling Centres existing at the point when the Gambling Commission and local authorities are given any relevant powers. The concern is that local authorities might arbitrarily decide to reduce machine numbers for businesses, which have existed for many years. It should be noted that the number of licensed machines varies significantly from the traditional two machines (associated to a magistrates liquor licensing grant) through to centres with over 100 machines. To obtain these machines existing businesses will have been thoroughly vetted by current licensing authorities and should be allowed to keep their existing machine numbers as a matter of equity and principle. To allow reductions could seriously affect many of them and lead to business and investment uncertainty and job losses. The only circumstances, under which operators might not be allowed to keep their existing complement of machines, is a breach of their licence conditions.

Multi-player machines should continue to be counted as one machine, as they are under current gambling laws.

3. Drafting for Bowling Centres

Further clarification is required for Tenpin Bowling Centres where the draft legislation appears incomplete and treats our venues in the same category as FEC's. There are unique characteristics of a Tenpin Bowling Centre, which justifies some work on clarification.

4. The Consultation Process

Some of the detail, which may fundamentally affect our member's, is not yet available for scrutiny. E.g. Guidelines to local Authorities, Codes of Practice. It is difficult to fully comment on the draft legislation without this detail and we are concerned that changes affecting the rights of our members will be imposed without consultation at a later date. We

submit that the Codes of Practice and draft Guidelines should be made available for comment at this stage.

a) We seek clarification of why it is thought necessary to introduce Statutory Codes of Practice when Voluntary codes have been prepared in consultation with the authorities. TBPA's Draft Code is detailed later in this document, which has been prepared with the unique characteristics of bowling centres in mind rather than a generic code prepared for the whole gambling industry.

b) The Appeal process appears to focus on appeal from Local Authorities to the Magistrates Court rather than Crown Court. Clarification is requested regarding the appeals process, options for parties disputing decisions and timing for decisions regarding all matters including the classification of games and the imposition of additional licence conditions.

This remains unclarified in the First Section of the Draft Gambling Bill

c) We seek clarification regarding the conditions under which "reserve powers" imposing a minimum age limit on Category D machines would be exercised. Currently the majority of TBPA members operate Category D machines providing an important ingredient in our product offering to the family market. As with the seaside FEC operators any rising of the current age limits for these machines could seriously impact our business model leading to uncertainty in investment and ultimately job losses.

d) We seek confirmation of the objective criteria required before such power would be exercised.

e) We seek confirmation of the status of redemption machines and concur with BACTA's position that there should be parity with Cranes, (i.e. 30p stake and £5 prize).

f) We seek confirmation that there will be no limit placed upon the numbers of machines for Bowling Centres and FECs, as is the current position. We note that to open a Bowl/FEC with an adult area will require a Local Authority FEC premises licence and a Gambling Commission operating licence. We submit that the Local Authority premises licence should be an automatic grant when such premises currently operate with a Designated Adult Area agreed with the Local Authority.

g) If the Gambling Commission is to approve the sale or transfer of premises, which are licensed, then we submit that there should be some form of protection order available to allow a sale or transfer to proceed subject to the approval of the Commission.

To date there remains no clarification in the First Section of the Draft Gambling Bill

h) We seek implementation of the provisions of the Bill simultaneously in all sectors of the gaming industry in order to avoid discrimination.

5. Personal Licences

Under the new legislation it will be a condition that certain individuals obtain a licence.

Requirements of personal licensing will be incorporated into conditions of operating licences but the Commission will outline its operation only in its "Statement of licensing and regulation policy" (unavailable and no confirmation of when will be available).

This detail behind the policy could place a necessary burden on TPBA members depending on the final requirements for the levels and number of licences required. Policies need to reflect that TPBA premises consist of small operators & large corporations, trade long hours and run with multi-layered management/staff teams.

6. Enforcement: sanctions and offences

Commission and local authorities will have statutory powers to enter, search and seize. (Not yet specified).

Sanctions: breach of licence conditions will include criminal sanctions. (unspecified)

7. The TBPA is considering a policy of voluntary contributions to the GICT at the following rates: Category D £1 per annum and Category B & C £5 per annum.

8. Detailed below is TBPA's Draft Category C Amusement Machine Guideline for comment.

Draft Guidelines: Category C Gaming Machines in Tenpin Bowling Centres

Siting of Machines

- Alternative approaches:
 - *Either* the machine is sited in an area of the tenpin bowling centre to which children do not have admittance and under supervision to make sure that they are not;
 - *Or* it is in an area to which children are admitted but in a part of that tenpin bowling centre which is clearly marked off for adults only;
 - *Or* it is in direct sight of a manned area and under observation by Staff.

Signage

- Notices on and around Category C machines will make it clear that it is illegal for people under 18 to play them.

Staff Induction and Training

Staff training and induction to reinforce the messages that:-


- **Under 18s must not play Category C gaming machines;
It is an offence for them to do so;**
- **Or to allow them to do so;**
- **Staff aged under 18 will not be allowed in Category C machine areas.**

- **If Staff suspect an under 18 is playing a Category C machine, they should:**
- **Request and verify proof of age (passport, photo driving licence, Portman card);**
- **Without age confirmation, customer should be requested to leave the area/stop playing;**
- **Seek assistance from Management, Supervisor or Security, if required.**

Guidance On Social Responsibility

- **TBPA recognises the social responsibilities operators of Type C machines have to protect the young and vulnerable. Therefore Members should ensure:-**
- **a program of training is implemented to raise awareness of these responsibilities**
- **they contribute voluntary payments to the GICT**
- **at all times keep premises in good repair and ensure that they are adequately staffed**
- **at all times ensure that staff are trained in the operation of machines**

Yours faithfully



**A.J. Ashbridge
Chairman TBPA**