



Committee *for*
Home Affairs

Licensed Bookmakers and their Employees Policy

Introduction

This document sets out the Committee *for* Home Affairs' policy for regulating Bookmakers and Betting Offices in Guernsey. [The Gambling \(Betting\) Ordinance, 1973](#) sets out the legal framework in which Bookmakers may operate in Guernsey. This document is designed to support the legislation and to provide further advice and clarification for individuals locally.

Key Objectives

The Committee *for* Home Affairs' key aims and objectives in relation to gambling, as endorsed by the States of Deliberation, are to—

- Keep gambling crime free, ensuring that gambling operators are subject to rules on money laundering and financial probity;
- Ensure gambling is fair and transparent; and
- Protect children and vulnerable adults.

The Committee *for* Home Affairs will be mindful of the above objectives in all of the considerations in relation to gambling in Guernsey.

General Provisions

The holder of a bookmaker's licence must take all reasonable steps to ensure that the way in which he discharges his responsibilities in relation to licensed activities does not place the holder of the operating or any relevant premises licence in breach of their licence conditions.

The holder of a bookmaker's licence must keep himself informed of developments in gambling legislation, codes of practice and any guidance the Committee may, from time to time, issue and keep his technical competence up to date.

On request, licensees must provide the Committee with such information as the Committee 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:

- The 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 in relation to, and experiences of, problem gambling.

Provisions for the Prevention of Money Laundering and other Forms of Financial Crime

Bookmakers and betting offices must act in accordance with the Gambling (Betting) Ordinance, 1973 which sets out provisions in respect of betting, licensing and general matters which must be adhered to. Under the provisions of the Gambling (Betting) Ordinance, 1973

which is an ordinance made under the Gambling (Guernsey) Law, 1971 bookmakers and betting offices would be classified as a relevant business under schedule 2 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law 1999 (CJPOCL). Under section 49A (4c) of CJPOCL relevant businesses, to prevent money laundering (including terrorist financing), must disclose information to a Police officer or any other person or body specified in the legislation and supporting regulations. Therefore all bookmakers and betting offices are required by the CJPOCL to be alert to money laundering (including terrorist financing), and disclose such knowledge or suspicions to the Financial Intelligence Service (FIS).

As part of their procedures for compliance with the requirements of section 49A and Schedule 2 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, (“the Law”) licensees will be required to have procedures in place which:

- Establish procedures of internal control and communication to prevent money laundering including combating financing of terrorism.
- Record all transactions above those levels set out in the Committee’s guidance.
- Keep those records in a form and for the period required by the Law.
- Ensure that, as required under the Law, reports of any apparent suspicious activity are passed in a timely manner to the licensee, whose responsibility it is to consider disclosing such information to a police officer or any other person or body specified in the regulations.
- Provide appropriate training to relevant staff to make them aware of the requirements of the laws on money laundering (including terrorist financing) in respect of the licensee’s business and to enable them to recognise and deal with transactions which may be related to money laundering (including terrorist financing).

As part of their procedures for compliance with the requirements in respect of the prevention and detection of money laundering in the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, as amended, licensees should:

- Unless there is a specific reason not to do so, appoint one or more members of staff whose duty it is to take overall responsibility for the anti-money laundering procedures within the operation, in particular with respect to Suspicious Activity Reporting and the procedure for reporting suspicion to the FIS or any other person or body specified in the regulations.
- Ensure, through appropriate training and guidance, that all staff who handle money or accounts or accept bets are aware of their duties under anti-money laundering (including terrorist financing) legislation to report all suspicious activity to the nominated officer in a timely manner or, where there is no such nominated officer, directly and promptly to the police. It is the nominated

officer's duty to consider such reports and to forward them where appropriate to the Financial Intelligence Service.

“Fair and Open” Provisions

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

Licensees must set out within the full rules that they make available, the core elements for the acceptance and settlement of bets. These rules must cover:

- The circumstances under which the operator will void a bet.
- Treatment of errors, late bets and related contingencies.
- Availability of odds for any ante-post, early show or starting price betting, and treatment of place, forecast bets etc.
- Treatment of withdrawals, non-runners, and reformed markets.
- Maximum payout limiting liability for a specific betting product 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).
- Means or medium by which the outcome of an event will be determined.
- The rules for the event itself to be specified e.g. Horserace bets only to be accepted where the racing is subject to horseracing regulatory authority rules.
- Any special arrangements for settling bets on “coupled” horses¹.

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

In their terms on which bets may be placed required to be displayed in accordance with mandatory conditions attaching to their premises licences licensees must give prominence to their rules concerning voiding, late bets and maximum payouts.

¹ **Coupled Horses** - Sometimes horses are coupled (entries = two horses from the same stable or owner, Ex. #1 and #1A). That is there will be a 1 and a 1A. Sometimes one of the horses could be scratched, but if they both run, you get them both. So, if you select a horse that is part of a coupled pair (horses 1 and 1A) both horses would be considered as one selection. For example, if you played 1-3-7 as your trifecta and result was 1A-3-7, you win. Also, if one horse gets scratched, you have the other horse regardless of who you selected. If you select 1A and 1A gets scratched, your bet will still stand on the 1 horse.

Provisions for the Protection of Children and Vulnerable Adults

Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these. This must include procedures for:

- Warning potential customers that underage gambling is an offence.
- Requiring customers to affirm that they are of legal age.
- Regularly reviewing their age verification systems and implementing all reasonable improvements that may be made as technology advances and as information improves.
- Ensuring that relevant staff are properly trained in the use of their age verification procedures. In particular customer services staff must be appropriately trained in the use of secondary forms of identification when initial verification procedures fail to prove that an individual is of legal age.
- Checking the age of apparently underage customers.
- Removing anyone who appears to be under age who tries to access the gambling facilities and cannot produce an acceptable form of identification.
- Taking action when there are attempts by under-18s to enter the premises.

Licensees must not deliberately provide facilities for gambling in such a way as to appeal particularly to children or young people, for example by reflecting or being associated with youth culture.

Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling. This should include appropriate training which must cover the legal requirements on returning stakes and not paying prizes to underage customers.

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.

Combating Problem Gambling

Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling. Licensees' policies and procedures for socially responsible gambling must include, but need not be confined to:

- The specific policies and procedures required by the following provisions of this code.
- A commitment to, and how they will contribute, to the prevention and treatment of problem gambling.
- A commitment to and how they will contribute to public education on the risks of gambling and how to gamble safely.
- A commitment to and how they will contribute to the identification of, and treatment of, problem gamblers.

Information on How to Gamble Responsibly and Help for Problem Gamblers

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.

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

For gambling premises this should include:

- Information in the betting shop and within the premises of the licensee's Authorised Agents.
- Posters, or leaflets that may be collected discreetly and taken away, in other areas e.g. toilets and near to exit doors.

The information must be prominent, and appropriate to the size and layout of the premises.

The information must cover where relevant:

- The availability of measures that are accessible to help an individual monitor or control their gambling, such as to restrict the duration of a gambling session or the amount of money they can spend.
- The availability of timers or any other forms of reminders or "reality checks" that may be available.
- Self-exclusion options.
- Information about the availability of further help or advice.

The information must be directed to all customers who wish to enjoy gambling as entertainment and not be targeted only at those the operator perceives to be “problem gamblers”.

Customer Interaction

Licensees must implement 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.

But such policies and procedures should be consistent with, and implemented with due regard to, licensees’ duties in respect of the health and safety of their staff.

Self-Exclusion

Licensees must put in place 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.

Licensees must take steps to remove the name and details of a self-excluded individual from any databases used by the business as soon as possible and ideally within two days of receiving the completed self-exclusion notification.

Licensees must notify any Authorised Agents of any individuals who self-exclude, including details of the period of the self-exclusion and, wherever possible, a photograph of the individual.

Licensees must take all reasonable steps to prevent any marketing material being sent to a self-excluded customer as soon as practicable.

Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.

Licensees must implement procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling; and which 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 systems.
- The removal of those persons found in the gambling area or attempting to gamble from the premises.
- Appropriate arrangements in respect Authorised Agents.

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. Wherever practicable, individuals should be able to self-exclude without having to enter gambling premises.

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

Licensees should take all reasonable steps to extend the self-exclusion to premises of the same type owned or operated by the operator. In setting the bounds of that area licensees may take into account the customer's address (if known to them), anything else known to them about the distance the customer ordinarily travels to gamble and any specific request the customer may make.

Licensees should encourage the customer to consider extending their self exclusion to other licensees' gambling premises in the Island.

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

Licensees should take all reasonable steps to ensure that:

- The self-exclusion period is a minimum of six months and give customers the option of extending this to a total of at least five years.
- A customer who has decided to enter a self-exclusion agreement is given the opportunity to so do 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 six months later, maintain the self-exclusion in place, unless the customer takes positive action in order to gamble again. No marketing material may be sent to the individual unless the individual has taken positive action in order to gamble again, and has agreed to accept such material.
- Where a customer chooses not to renew, and makes a positive request to begin gambling again, give the customer one day to cool off before being allowed access to gambling facilities. The contact must be made via telephone or in person.

The Committee does not require the licensee to carry out any particular assessment or make any judgement as to whether the previously self-excluded individual should again be permitted access to gambling. The requirement to take positive action in person or over the phone is purely to:

- Check that the customer has considered the decision to access gambling again and allow them to consider the implications; and
- Implement the one day cooling-off period and explain why this has been put in place.

Money Lending between Customers

Licensees should take steps to prevent systematic or organised money lending between customers on their premises. While the nature of those arrangements will depend to some extent on the layout and size of the premises, they should cover matters such as:

- Systems for monitoring such activity.
- Instructions to staff concerning what they should do if they spot what they believe to be money lending and to managers about the ways in which they should handle and act on any such lending.
- Excluding from the premises, either temporarily or permanently as appropriate, any person whom the evidence suggests has become involved in organised or systematic money lending.

Particular care should be taken to ensure that there are appropriate arrangements in place to cover any cases where it appears that the lending may be commercial in nature or may involve money laundering. In the latter case, the requirements in respect of reporting suspicious transactions must be followed. In all cases where the operator encounters systematic or organised money lending, a report should be made to the Committee.

On-Course Betting Facilities (Occasional Bookmaker Licences)

When providing facilities for betting on-course, licensees must display on their 'joints' in an intelligible format:

- Any rules that differ from Tattersalls' 'Rules on Betting' for the conduct of on-course bookmaking' as applicable.
- Any types of unorthodox bets accepted (such as forecast betting, betting without the favourite, distance betting etc).
- Whether win-only or each way bets are accepted.
- Any concessions or bonuses offered.
- All of the runners and the odds available to the public.
- The operator's trading name and contact address.
- The minimum bet accepted.
- The maximum guaranteed liability.

Licensees operating within the ring at horserace tracks must issue customers with a betting slip or ticket for each transaction accepted.

Betting slips or tickets must include the following information:

- Operator's name and contact details.
- Race day name or code, date and race number.
- Name and/or number of the selection.
- The stake and potential return.
- The odds, or whether the bet will be settled according to the starting price.
- The type of bet.

Any special rules which have been agreed in relation to a particular bet must not be overridden by any conflicting rules or subsequent rule changes.

Complaints and Disputes

Licensees must put in place a written procedure for handling customer complaints and disputes.

In this Policy 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 also ensure that customers whose disputes are not resolved to their satisfaction by use of the complaints procedure may refer them to the Committee.

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 on, or a note of the outcome of, each dispute to be provided to the Committee annually.

Licensees' Staff

Licensees must put in place policies and procedures to manage relationships between staff and customers, based on the principle that staff should not engage in any conduct which is, or could be, likely to prejudice the licensing objectives in the discharge of their duties.

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 gambling become hard to control.

Licensees must take all reasonable steps to ensure that staff involved in the provision of facilities for gambling receive appropriate training to enable them to recognise and respond appropriately to customers who:

- Are gambling in a manner that is or appears to be becoming irresponsible.
- May be underage or vulnerable.
- Are gambling in a manner which raises suspicion that the customer may be attempting to launder money.

Compliance

Non-compliance with this Policy will be considered by the Committee *for Home Affairs* as a breach and will be considered at the time of renewal.