



# **Policy Statement for the Conduct, Regulation and Licensing of Remote Gambling**

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## **Introduction**

This document sets out the Jersey Gambling Commission's (the Commission) policy for the regulation of remote gambling operators in Jersey, the relevant permissions, responsibilities and appropriate enforcement.

It is published in accordance with Article 9 of the Gambling (Jersey) Law 2012 (the Law). In publishing this policy, the Commission sets out the circumstances in which it will generally grant or refuse an application for a Licence and the conditions that will apply to it.

## **Guiding Principles**

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

- gambling should always be conducted responsibly and with safeguards necessary to protect children and vulnerable people;
- gambling should be verifiably fair to consumers of those services;
- 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.

In exercising its functions under that Law and the Gambling Law, the Commission must always have regard to these principles. The Commission will, therefore, only permit gambling if it considers it reasonably consistent with the 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 as appropriate.

## **Statutory Functions**

The Commission's functions with regard to Remote Gambling Licences comprise three key areas: applying 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 variation or renewal;
- 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.

## Remote Gambling Licences

This policy covers three types of remote gambling operation with separate licences and conditions for each. These are:

- **Remote Gambling Operators Licence**
- **Disaster Recovery Licence**
- **Mirroring and Load Balancing Services Licence**

### Remote Gambling Operators Licence

#### Context

Commercial gambling is defined under Article 2 of the Law as a business which contracts directly with a customer and for profit, or as a medium for bringing customer and operator together. Remote gambling operators offer gambling services *to* and contract *with* the public in the form of a customer/punter relationship and is therefore commercial gambling under this definition.

Article 3 mandates the Commission to set out the various ways in which types of gambling (and so types of service and licence) can be distinguished from each other under policies and standard licence conditions. Specifically in relation to remote gambling this policy makes no distinction between betting and gaming. A remote gambling operators licence covers all permutations of gambling: there are no separate bespoke licences for gaming or betting, or hybrids of either activity.

However, the individual parts of a conglomerate gambling offering (e.g. bingo, slots, sportsbook, bankers (casino) games) are subject to separate scrutiny, approval, testing etc. A Jersey licensed operator wishing to add a gambling game to their Licence will need to prove the compliance of that game with the Commission's minimum standards and any major alteration must first be reported to the Commission for approval.

Please refer to the Commission's Code of Practice: Minimum Standards Applicable to Remote Gambling Operators. The Code is cited throughout this Policy and its specific reference means it contains the detail on a condition's compliance criteria.

### 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 (detailed above).

It is therefore for the applicant to 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 Jersey 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 award 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 the company structure has changed or a director of the business 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 an application at any time before it is granted or refused. The applicant must supply a written notice to the Commission stating the intention to withdraw the application.

### **Applying for the right Licence?**

In examining the application the Commission must consider whether the Licence applied for is the correct form of approval required or whether the applicant would require another type of approval.

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

It should be noted that the Commission is not compelled to award a Licence just because someone has applied for one. An applicant must provide the Commission with details of the company structure and the directors, controllers, owners and beneficiaries of the business. A remote gambling operator is a specialist activity and any applicant must be in a position to undertake, manage and facilitate all activities detailed in the application. Competence, qualifications and on-going training are also matters to prove in relation to this specialist area.

Therefore, the Commission may only grant a Licence if it has examined and is satisfied of the applicants:

- integrity,
- competence,
- structure and organisation.

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

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

### **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:

- if the applicant (including any principal person in relation to the applicant) provides ancillary services in a country or territory outside Jersey:

- the extent to which the laws of that country or territory are adequate to regulate that applicant or person, in a manner that ensures that the reputation and integrity of Jersey would not be harmed by the grant of a licence.
- 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 Gambling (Jersey) Law 2012:
  - failed to provide any information, or
  - provided to the Commission information which was untrue or misleading in any material particular.

## **Convictions**

Remembering that one of the Commission's key licensing principles is to keep gambling crime free, this necessarily extends to all applicants for licences. The Commission must take into account any convictions of the applicant or applicant company, and this includes convictions outside of Jersey. Convictions include:

- an offence under this 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 2005, 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 related offence, under the law of a country or territory outside of Jersey.

## **Applying for a New Licence**

A Licence lasts for 5 years. If an operator applies for a new Licence before the expiry of the current one, the Commission may not necessarily require the same degree of information to pursue the new application. The Commission will examine what information it already holds and consider whether the known applicant has a good compliance record and there has been no material or significant change to the corporate structure of company since the last application process. If there has been no significant alteration to the corporate structure and the company has proved to be compliant with the Licence conditions, the Commission may reduce any application fee for a new Licence.

## **Compliance History of Licensees**

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

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) on the applicant;
- or 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 or any gambling promotion has managed has been revoked under Article 38, or
- the applicant has been served with a final notice of a civil financial penalty under Article 39.

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

In accordance with the matters the Commission *must* consider when assessing an application, the following matters – which are not exhaustive - may compel the Commission to revoke a Licence 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 Licence;
- 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 approval;
- the licensee requests it;
- Jersey's reputation is imperilled;
- if the Commission has issued a direction under Art.16(4).

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,
- 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.

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

## CONDITIONS

### Scope

These Conditions apply to all applicants and holders of a Remote Gambling Operators Licence.

### Condition: General Conduct

A holder of a Remote Gambling Operators Licence shall conduct itself in the manner disclosed to the Commission and set out under application for a Licence. Licensees shall manage and facilitate gambling 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 penalty.

### Sufficient Connection Test

This is principally a condition to be met on application, but as the nature of remote gambling is fluid the licensee must retain in Jersey the necessary presence to prove gambling is operated from the Island. The Commission does not grant remote gambling licences to brass plate companies.

### Guiding Principles: Conditions

#### Responsible Gambling

In accordance with Article 18 (4) of the Law, conditions applicable to a Licence in respect of Responsible Gambling are detailed under Responsible Gambling Code of Practice: E-Gaming Operators and also form headline requirements within the Minimum Standards Code of Practice.

### Conditions: Fairness and Transparency

#### 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 dependant on the demography of customers, notices should also be produced in other languages.

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/wagers. These Rules must cover:

- The circumstances under which the operator will void a bet or wager;
- 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 gambling product and/or generally;
- Any charges made to customers for the use of gambling 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.

[Code of Practice: Minimum Standards]

## **Complaints and Disputes Provisions**

### **Condition: Gambling Contracts Enforceable**

Gambling contracts (bet, wagers etc.) are legally enforceable. Disputes will occur and the licensee must have in place a complaints procedure and resolution process. The licensee must publish these measures on its website and train staff in these resolution procedures.

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 directed to or given a copy of the complaints procedure on request or on making a complaint;
- All complaints are handled in accordance with the procedure.

It is recommended that Licensees 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.

[Code of Practice: Minimum Standards]

### **Condition: Testing**

The Commission reserves the right to approve and appoint independent persons to test each item of equipment or device (hardware/software) used in relation to gambling to ascertain and confirm the gambling equipment complies with the guiding principles and is in compliance with the minimum requirements set out under the Minimum Standards code of practice.

[Code of Practice: Minimum Standards: Software Testing, Maintenance and Approval]



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

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

It is a condition of every Licence that gambling must comply with the Data Protection (Jersey) Law 2005 and anti-money laundering and counter terrorism legislation.

[Code of Practice: Minimum Standards: General Anti-Money Laundering Controls]

### **Condition: Customer Accounts**

Licensees who hold customer funds by way of individual accounts 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.

[Code of Practice: Minimum Standards: Throughout]

## **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 applied as 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 the facilitation of gambling;
- 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;
- Any reduction in the number of staff employed by the licensee where that could have a material impact on the licensee's business;
- The acquisition or disposal of gambling licences issued by other jurisdictions (good standing assurances must be provided in such instances);
- In the case of corporate licensees, the disposal or acquisition of any group company where that has a material impact on the licensee's and an assessment of the impact this may have on the conduct of its business;
- Any disposal of the licensee's assets where that could have 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.

## **Reporting Conditions: Corporate**

### **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.

There is no legal impediment to prohibit the operator from hosting its own gambling. If an operator elects to self-host then the criteria set out under a Hosting Service Providers Permit must be met. The Licence must cite the address of any premises where gambling is or is to be conducted.

### **Condition: 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.

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

It is a condition of the Licence that the Holder 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 Holder and in a form published by the Commission.

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

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

It is a Condition that the Licensee must inform the Commission of any adverse information in respect of the following incidents:

- If the Holder has any reasonable cause to believe the information is relevant to the Commission's functions under the Law or Regulations in relation to the Licence and that by withholding this information it is likely to result in the Commission being misled as to the Licensees activities.
- Unless in cases where the information provided is found to be false [Art. 34], 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: Licensed activity in other jurisdictions**

If the Jersey licensee is licenced or authorised by overseas regulators or similar oversight authorities, it is incumbent on the licensee to notify the Commission of any investigation conducted by any law enforcement agency (whether regulatory or police) into its gambling business or businesses in general situated in another country or territory. Changes to the laws of the home country or territory relating to the conduct of remote gambling operations should also be notified to the Commission should these alterations have any adverse operational impact on the operations of the licensee.

**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.

**Condition: Self Reporting**

This condition mandates a licensee to report to the Commission any breach of both a Licence condition contained in this Policy and any Code of Practice forming compliance conditions for this Licence.

Licensees shall be fully liable and responsible for the conduct and actions of their staff. A member of staff cannot be held liable for breaching this policy if they did so by following the instructions of the licensee. Mitigating circumstances may apply if the member of staff knowingly breached a condition without authority and did so maliciously or for personal advantage etc.

A failure to comply with the conditions set out under this Policy may incur a civil penalty, and, dependent on the severity of the breach combined with a failure to take remedial action, lead to Licence revocation and a fine.

Where breaches are discovered through ongoing regulatory monitoring by the Commission the licensee will be required to:

- explain the failure to report the breach,
- whether the operator had knowledge of the breach,
- whether the operator profited from the breach,
- the results of remedial action,
- safeguards applied to ensure such breaches do not recur.

Depending on the seriousness of the breach the operator may be liable to incur a civil penalty (see Policy: Civil Penalties).

**NB:** No licensee may profit from a breach. Dependent on the nature of the infraction, a licensee may be liable to incur penalties and in any event monies profited by the breach will be forfeited to the States Consolidated Fund.

### **Marketing and Advertising Provisions**

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.

All advertising of gambling products and services should be undertaken in a socially responsible manner. In particular, licensees should comply with the Advertising Codes of Practice that apply to the form and media in which they advertise gambling facilities or services. For media not explicitly covered by these codes, licensees should apply the principles included in these codes of practice 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**

Licenseses 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 virtual slots and other virtual bankers games, all facilities offered by the gaming 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 individuals 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.

## **General Conditions**

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

It is a condition that all licenseses should inform the Commission of any occurrence, incident or event that impacts upon 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 now a criminal offence and any incidence should be reported to the police. The licensee 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 and control of gambling facilities in Jersey. However, on application the operator must identify such persons who will have a

direct influence over operations and the facilitation of products to the public and submit their Personal Declarations along with the application for a Licence.

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 and key personnel must notify the Commission of the occurrence of any of the following significant events within five working days, or as soon as reasonable 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 or States Department 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.

### **Notification of Directors**

All company licensees must notify the Commission and submit a Personal Declaration Form for any person who becomes a principal in the Company or its holding company.

### **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 Holder must not allow an individual to perform a function, engage in employment or hold a position, if the Holder 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 Licence Holder 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 Holder 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 Holder 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 Holder 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.

### **Financial Returns**

The Law makes it a mandatory requirement for licensee's 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.

### **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 may 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, for example, but not necessarily, the Social Responsibility Fund.

### **The Regulatory Return**

On request, licensees must provide the Commission with such information as it may require about authorised gambling and the licensee's business in relation to that gambling. This request may include particular information about:

- numbers of customers and frequency of play;
- 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.

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 legal framework governing gambling places an onus on the regulator to ensure the licensing objectives are adhered to by licensed operators. As part of the Commission's compliance programme, operators may 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 information not detailed below, but generally the following headings reflect the substance of a Regulatory Return.

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

The Regulatory Return will be submitted annually and within 42 days of the anniversary date for 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 the licensee directly pays from its payroll(s) in return for carrying out a full 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
- self-employed workers (consultants, outsourced functions in respect of facilitating gambling).

Do not include:

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

### **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 on the Regulatory Return. All other complaints logged within the reporting period needs 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. This means that complaints relating purely to commercial issues (such as the quality of the décor or facilities) would not need to be logged, as they would not indicate a possible threat to the licensing objectives. Complaints logged may be directly about 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 over the telephone, by letter, by email, or via online support.



## **Disputes**

Licensees must record the number of disputes that have occurred over the period relating to the regulatory return. Disputes are determined as complaints concerning the outcome of the customer's gambling transaction.

## **Independent Party Resolution**

These disputes may sometimes be raised directly with the 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. 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 any all persons challenged to provide satisfactory identification documents. The Commission also requires a record of those persons challenged who were unable to produce any matter to verify their age.

## **Under Age Gambling**

The Commission understand that despite all best efforts underage gambling may occur. The licensee must report on all incidents where a person has gambled who subsequently were 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 they have 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.

## **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 Joint Financial Crimes Unit over the period relating to the regulatory return.

<http://www.jersey.police.uk/FinancialCrime/SARs/Pages/CompilingSAR.aspx>.

## **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 their being signed off by the auditors concerned.

**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 therefore require the licensee to record the GGY on the annual Regulatory Return.

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

A self-certification statement needs to be signed by two key individuals holding specified management offices (e.g. submitted personal declarations). 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.

As defined in the licensing policy conditions and any relevant Codes of Practice.

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.

# Disaster Recovery Licence: Remote Gambling Operators and Requirements for Licensing

## Context

Operators licensed in those jurisdictions that have a functioning Memorandum of Understanding (MoU) with the Commission can place disaster recovery (DR) systems in Jersey<sup>1</sup>. DR provisions in Jersey will require a licence, but there is no fee for the licence and the application process is straightforward; the licence may last for up to five years.

## Requirements

To qualify for a DR Licence an operator must:

- Hold a licence to offer remote gambling in a jurisdiction with which the Commission has an MoU.
- The operator must provide evidence of that licence and host its systems in a data centre facility currently holding a Jersey Hosting Services Providers Permit.
- The regulator in the home jurisdiction must be informed that the DR system is in Jersey and agree to retain primary responsibility for the regulation of its licensee during any period of activation.
- The data held in Jersey is to be non-operational unless required because of a disaster in its home jurisdiction.
- If the DR system is activated the Commission must be informed within 24 hours and the system may remain active for up to 14 days of continuous use.
- The Commission is to be informed when the system is returned to a non-operational state.
- If the disaster is considered so great that a service beyond the 14 days is required, then the operator must request a Temporary Operational Licence and apply for a full Jersey Remote Gambling Operators Licence and pay the published fees.
- Once a Temporary Operational Licence is issued regulation of the operator passes to the JGC.
- In the event that a licence is not applied for or granted, the operator must terminate all use of its systems in Jersey by the end of the 14<sup>th</sup> day of operation. This must be notified to the JGC and verified by the home regulatory body.

An *activating* disaster, in relation to a DR Licence means a major disruption to the conduct of remote gambling by the operator in the home licensing jurisdiction or jurisdictions and caused by damage by humans or natural forces, to the wireless, satellite, telecommunication, electronic or electrical systems, or the computer servers, hardware or

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<sup>1</sup> Article 3 Types of gambling

(1) A reference in this Law to a type of gambling is to a type distinguished by reference to any aspect of the gambling or its conduct.

(2) The aspects by reference to which a type of gambling may be distinguished from another type include –

(d) the persons by whom gambling is conducted, such as natural persons, bodies corporate or other forms of body, or persons with specified connections with Jersey or with other territories or countries;

software by means of which remote gambling may be conducted.

A major disruption is an event that renders the gambling site from which the services may be accessed by players, unable to be accessed by players; and any natural or man-made disaster that affects or may affect any of the systems or objects which is of a sufficient scale to cause actual damage or renders the objects unable to be accessed or used by the employees or agents of the holder of the licence for the purposes of conducting remote gambling. A major disruption does not include any actions intentionally caused for the purposes of enabling gambling activities from Jersey.

## **Mirroring and Load Balancing Services Licence: Requirements for Licensing**

### **Context**

Operators licensed in those jurisdictions that have a functioning Memorandum of Understanding (MoU) with the Commission can place mirroring and load balancing systems in Jersey. The placing of mirroring and load balancing services in Jersey will require a licence. The application fee for this licence is £500. The licence lasts for five years and is subject to an annual fee of £5000.

### **Requirements**

To qualify for a Mirroring and Load Balancing Services Licence an operator must:

- Hold a licence to offer remote gambling in a jurisdiction with which the Commission has an MoU.
- The operator must provide evidence of that licence and host its systems in a data centre facility currently holding a Jersey Hosting Services Providers Permit.
- The regulator in the home jurisdiction must be informed that the mirroring/balancing system is in Jersey and agree work with the Commission to ensure its key licensing requirements are fulfilled.
- Agreement on the scope of shared regulation will be required before the Commission issue a licence, but it is acknowledged that the regulator in the home jurisdiction retains primary responsibility for the regulation of the licensee.
- In the event that the home hosting provider suffers a disaster during the lifetime of the licence, the Jersey servers may continue alone for a period of 14 days under the same regime.
- If the disaster is considered so great that a service beyond the 14 days is required, then the operator must request a Temporary Operational Licence and apply for a full Jersey Remote Gambling Operators Licence and pay the published fees.
- In the event that a licence is not applied for or granted, the operator must terminate all use of its systems in Jersey by the end of the 14th day of operation. This must be notified to the Commission and verified by the home regulatory body.

### **MoU Condition**

Any company operating in or under a remote gambling licence issued by a jurisdiction with which the Commission does not have a functioning MoU may not avail of these licences and **MUST** apply for a Remote Gambling Operators Licence before establishing any services in Jersey that will facilitate gambling of any kind.

**Application for a licence:**

Application forms for these distinct licences are published by the Commission and headed accordingly. The applicant must submit to the Commission documented proof of licensing in an MOU country and that it is of good standing, and games are certified for fairness (see later conditions).

**Circumstances in which Commission may grant licence**

The Commission may only grant a licence to a person if the Commission is satisfied of the integrity, competence, financial standing, structure and organization of the applicant. Therefore applicants must be of good standing and hold a current licence, issued and operational in an approved MOU country.

The persons employed by or associated with the applicant for the purposes of the applicant's business or who are principal persons in relation to the applicant, must be involved/approved as a person under the operational current licence issued by the MOU country.

The description of commercial gambling must match the gambling described and endorsed on the licence issued by the MOU country. It is the only gambling to be mirrored or invoked in cases of both balancing and DR.

Licences will only be granted to those operators who provide gambling services which contain responsible gambling provisions, games are certificated as fair, provide clear terms and conditions and rules applied to the forms of gambling offered.

Licences will only be granted to those operators who establish and maintain, during any period in which gambling is conducted under the home licence, a system for monitoring the conduct of gambling.

The Commission may only grant a licence if it will not be harmful to the reputation and integrity of Jersey in gambling matters, or in commercial and financial matters as those are affected by commercial gambling; therefore the Commission will require a waiver enabling the MOU jurisdiction to confirm good standing of the applicant.

The Commission may only grant a licence if there is sufficient connection with Jersey meaning at least one (1) server must be based in the Island.

The Commission will examine all applicants to ensure the appropriate licence has been applied for.

It is an overarching condition the Commission is made aware of all gambling offered by the applicant. Any changes to this offering over the lifetime of either a DR or mirroring licence must be reported to the Commission and proofs of testing supplied with these notifications. Proofs include relevant compatibility statements with home jurisdiction criteria and all updates, retesting, issuance of new games and accompanying testing certification.

In cases where the Commission receives proofs from testing houses it has not approved (these are listed [www.jgc.je](http://www.jgc.je)), the licensing jurisdiction will confirm its approval of these companies.

Limited to a Mirroring and Load Balancing Services Licence: where the costs of a due diligence investigation exceeds the application fee the Commission, under article 13(5) reserves the right to request a further fee limited to the same amount as the application fee. However, the fee must be paid within 30 days of the applicant receiving a notice to this effect.

**The Commission will require the applicant to confirm:**

- the financial standing, including the financial stability and the adequacy of the capital base;
- whether the applicant conducts gambling and associated operations in a fair manner.

**The Commission will require the applicant to confirm and the licensing jurisdiction to affirm:**

- whether the applicant has at any time been subject to adverse findings, in respect of the conduct of gambling in a country or territory outside Jersey, by a law enforcement agency situated in that country or territory;
- whether the applicant or any person employed by or associated with the applicant for the purposes of the applicant's business has been convicted of any offence, under the law of a country or territory outside Jersey, that is similar to an offence mentioned in any of the following clauses:
  - an offence under the anti-money laundering and counter- terrorism legislation;
  - an offence under the Data Protection (Jersey) Law 2005, 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.

The Commission must take into account the adequacy of the applicant's systems (including equipment), and of any testing carried out on those systems in relation to the gambling to ensure that the applicant conducts the gambling in accordance with the guiding principles and in compliance with any relevant code of practice. The assessment of the adequacy of the applicant's systems must address and ensure that:

- each customer's funds are separately recorded from each other customer's funds and from the funds of the applicant;
- customers' winnings are paid out accurately and promptly;
- accurate recording is made and kept of deposits and wagers;
- any funds of a customer that are held by the applicant and that have not been used by the customer are kept separately from the funds of the applicant, may not be used by the applicant, any creditors of the applicant or any holding body or subsidiary of the applicant, and are refundable to the customer at the customer's request;
- persons may, at their own request or otherwise, be excluded from or limited as to gambling as customers of the applicant; and
- the applicant complies with the anti-money laundering and counter-terrorism legislation and the Data Protection (Jersey) Law 2005, and with any similar laws of any country or territory outside Jersey in which the applicant will conduct gambling.

This assessment will review those conditions and codes of practice applied to the licence awarded by the host jurisdiction.

**Mandatory Conditions: general (Article 16)**

Premises:

It is a condition of every Mirroring or DR licence that the hosting of balancing or business continuity provisions must only be located in those premises in Jersey holding a Hosting Service Providers Permit issued by the Commission. The address of the Hosting Service shall be specified on the licence.

**Regulation by the Commission in cases of an activating disaster:**

It is a condition of every licence that the gambling must not be advertised in any manner that is directed at children or that contravenes any provision of a code of practice that restricts

advertising of commercial gambling in relation to children.

In the case of full operation from Jersey it is a condition of every licence that the licensee and any employee or agent of the licensee must, in conducting gambling in or from within Jersey and any related activity, comply with all of the following that apply to any act in the course of such conduct or activity:

- the Data Protection (Jersey) Law 2005; and
- the anti-money laundering and counter-terrorism legislation.

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 that makes a requirement referred to in Article 35(2)(c).

### **Mandatory conditions: supervision (Article 17)**

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

It is a condition of every licence that the licensee must, if required by the Commission in connection with a routine examination:

- 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 for the conduct of gambling or for any related activity;
- allow officers or agents of the Commission, while on the premises in accordance with paragraph:
  - 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,
  - take copies of, or extracts from such documents.

It is a condition of every 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 conduct of gambling, from Jersey or from any other country or territory, by the licensee or by any holding body or subsidiary of the licensee;
- the control, by its owners, executive officers and directors, of anybody corporate constituting the licensee, or of any holding body or subsidiary of the licensee;
- the regulation, by anybody exercising in any country or territory other than Jersey similar functions to those of the Commission, of gambling conducted from such a

country or territory by the licensee or by any holding body or subsidiary of the licensee.

It is a condition of every licence that the licensee must provide the Commission with any information in the licensee's possession, if the licensee knows or has reasonable cause to believe that:

- the information is relevant to the exercise by the Commission of its functions under the Law in relation to the licensee; and
- withholding the information is likely to result in the Commission being misled as to any matter which is relevant to and of material significance for the exercise of those functions in relation to the licensee.

Where the licensee is a company, it is a condition to inform the Commission of any material alteration to the form of that company, parent or subsidiary declared and described on the application. The Commission must be notified of:

- any change to the structure of the company;
- any significant changes to the class of the shares the company or the rights that attach to them;
- the identity of each shareholder in the company who holds 10% or more of the shares in that company;
- any change to the shareholdings in such a company, being changes relating to 10% or more of the issued share capital of that company;
- any appointments, dismissals, resignations or deaths of directors.

It is a condition of every licence that, if the Commission notifies the licensee that it is interested in the conduct overseas of gambling by the licensee or by a particular holding body or subsidiary of the licensee, the licensee must notify the Commission of:

- any investigation into such conduct, being an investigation carried on outside Jersey by a law enforcement agency other than the Commission;
- any changes to the laws of the country or territory in which the gambling is conducted, being laws that relate to that conduct.

### **Supplementary Conditions (Article 20):**

All licensees must operate systems to curtail the involvement of children as customers of the licensee, as employees of the licensee, or in any other way in the provision of the licensee's gambling service. Remote gambling operators must deploy age verification systems.

Licensees, in respect of provisions required by MOU jurisdictions, must provide information to customers about:

- of assistance with problems related to excessive gambling,
- what may be lost or won in relation to the gambling and the chances of winning or losing,
- the identity of the licensee,
- the regulation of the gambling by licensing authorities.

Licensees, in respect of provisions required by MOU jurisdictions, must have such systems to ensure that persons employed by the licensee in particular capacities are suitable to undertake the positions of trust and decision making; these systems may include submission to police record checks.

All gambling advertisements issued by the licensee must accord to the guiding principles of the licensing authority and in any respect must not be directed at children or make claims



which are unrealistic or untrue.

Holders of a Mirroring and Load Balancing Services Licence must disclose the nature and use of any equipment outside Jersey that is to be used or is currently employed in respect of the gambling conducted under jurisdictional licences. Equipment means any hardware or software that it is capable of affecting the outcome of gambling the licensee should also state whether any connection is permitted between any other equipment.

All licensees must submit to the Commission a copy of annual or audited accounts (if audited) and annual report if one is produced. These must be submitted to the Commission within 30 days of signing off and publication.

### **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 Ancillary 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; and
- 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 or Permit 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.

**Publication of regulatory action**

The Commission will publish details of any regulatory action taken, except where it considers that this may have a disproportionately damaging effect.

**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**

Where applicable to licence type the relevant gambling service should not present gambling in such a way that access by children and young persons is generally promoted.

## **Jersey Gambling Commission**

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