

Directive 2 of 2011

Locations for Gaming Parlours Directive 2011

IN exercise of the powers conferred by article 76A of the Lotteries and Other Games Act, 2001, the Lotteries and Gaming Authority is hereby issuing the following directive in order to regulate the locations proposed to be used as Gaming Parlours.

Part I – Preliminary

1. The Short title of this Directive is the Locations for Gaming Parlours Directive 2011.

Part II – Definitions

2. In this Directive, unless the context otherwise requires:

‘Applicant’ means a Class 3 licensee as defined under the Gaming Devices Regulations;

‘Authority’ means the Lotteries and Gaming Authority;

‘Directive’ means the Locations for Gaming Parlours Directive;

‘Gaming’ means the playing of a game of chance for money or money’s worth;

‘Gaming Area’ means the area within a gaming parlour in which the playing of games through relevant gaming devices is designed to take place;

‘Gaming Parlour’ means any venue or physical infrastructure intended to make available for use, host or operate relevant gaming devices;

‘Premises’ means any venue or physical infrastructure;

‘Regulations’ means the Gaming Devices Regulations (S.L. 438.07).

Part III – Applicability

3. This Directive applies to proposed locations intended to be used as gaming parlours.
4. Pursuant to Regulation 32(c) of the Regulations, Gaming Parlours shall have any and, or all access points to the proposed premises located at a radial distance of not less than seventy-five (75) metres from the centre of the respective entry points at the perimeter of:



- i) Schools which shall include:
 - a) Kindergartens
 - b) Primary Schools
 - c) Secondary Schools
 - d) Post-Secondary Schools
 - e) Tertiary Schools
 - f) Special Schools
 - g) Child Care Centres
 - h) Summer Schools
 - i) Commercial Schools
 - j) IT Schools
 - k) Language Schools;
- ii) Senior citizens' care facilities which shall include Homes and Day Care Centres;
- iii) Places of worship covering all religions;
- iv) General venues or infrastructures covering the following:
 - a) M.U.S.E.U.M
 - b) SATU
 - c) SEDQA
 - d) Appoġġ
 - e) CARITAS
 - f) Sports Nurseries/Training Facilities;
- v) Playgrounds and playing fields

Provided that the calculation shall be made from the centre of every entry point at the perimeter of the Gaming Parlour.

5. Further to the requirements established in paragraph 4 of this Directive, every Gaming Parlour shall be located at a minimum walking distance of fifty (50) metres from each other, which distance shall be calculated from the centre of every entry point of each proposed and, or approved Gaming Parlour.

Provided that for the purposes of this Directive '*a minimum walking distance of fifty (50) metres*' shall be calculated as being the shortest distance to walk between the entry points of the proposed and, or approved Gaming Parlours without any regard for traffic or pedestrian regulations.

Provided that the Authority shall, when the need arises for it to decide between two or more completed applications received within the same month and which are all compliant with the distances established in paragraphs 4 and 5, give preference to the applicant who does not yet have a Gaming Parlour within the town or village in question.

Provided further that if more than one applicant qualifies as per the preceding proviso, or if all the applicants as contemplated in the preceding proviso all have a Gaming Parlour within the town or village in question, preference shall be given to the applicant who submitted the first completed application to the Authority.



Provided further that if two or more completed applications are submitted on the same day and the preceding provisos cannot be applied, preference shall be given to the applicant who shall be determined by a ballot.

6. There shall not be more than one (1) Gaming Parlour within any proposed premises.

Provided that the selection criteria as described in paragraph 5 shall also be implemented in the scenario whereby more than one (1) completed application for a Gaming Parlour in the same proposed premises is received within the same month.

7. The Authority may appoint an independent certified architect and, or surveyor to perform an audit of the proposed Gaming Parlour, at the applicant's expense, in order to ascertain that such location is in conformity with this Directive.
8. The Authority's decision regarding the granting of the relevant approval of the Gaming Parlour, *ai termini* this Directive, shall be final.

Part IV – Requirements

9. All applications for -

- a) consideration of approval for the proposed location for gaming premises intending to host gaming activities and already holding a Malta Environment and Planning Authority (MEPA) development permit; or
- b) consideration of a certificate of no objection

must be accompanied by a plan (Scale 1:100) of the premises which complies with the following provisions as well as complying with any specific requirements that may be laid down for a particular type of gaming.

10. The mentioned plan must indicate:

- a) the area in square metres;
- b) the extent of the boundary or perimeter of the premises;
- c) where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building and means of access between the buildings, if any;
- d) where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises;
- e) the proposed gaming area, which shall cover that area in which relevant gaming devices are proposed to be allocated;
- f) the positioning of the relevant gaming devices within the proposed gaming area;



- g) the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads and the security features of each;
- h) any other matter required in accordance with the specific conditions that may be laid down for any particular type of gaming;
- i) design, intensity and source of lighting of the gaming area, which should be adequately lit at all times. The intensity and movement of lighting, including that from the machines and devices themselves and any other commercial information and, or communication signs should not be conducive to over-stimulation to gamble;
- j) sound proofing measures in order to ensure that the sound levels within the premises cannot be heard outside the main entrance;
- k) the gaming area should allow for continuous patron surveillance, including when located within outdoor areas, location and fixture of CCTV cameras and control console;
- l) the location, extent and layout of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence (if and when issued);
- m) the location, extent and layout of any part of the premises which will be a non-gambling area/s, specifying what other activities/services will be offered;
- n) the nature and location of barrier/s, security features or other fixtures separating any part of the premises in which gaming devices will be made available for use from any other part of the gaming premises/areas;
- o) the proposed prominent location for the display of the summary of gaming premises approval document;
- p) the proposed design, location, size and materials of signs and information signs to be affixed to any part or parts of the façade;
- q) declaration certified by a registered surveyor/architect that the gaming premises respect the parameters set out in this Directive so as to warrant for a certificate of approval.

Part V – Public Notice Process

11. This part shall only apply to applications for a certificate of approval in respect of gaming parlours as provided for under Part VIII 'Approval of Premises' of the Regulations.



12. An applicant who shall not abide by the procedures laid out in this part of the Directive shall not qualify for a certificate of approval as provided for in the Regulations.
13. Upon clearance of the Authority, an applicant for a certificate of approval in respect of a gaming parlour shall publish, in at least one (1) daily newspaper in English and one (1) daily newspaper in Maltese, a notice, using the Authority's template format, covering the following information:
- a) the name of the applicant applying for a certificate of approval in respect of a gaming parlour;
 - b) the date when the application was validated;
 - c) the address of the proposed gaming parlour;
 - d) the details where copies of the application, plans and other relevant documents may be viewed by the public;
 - e) the address where and the dates when the aforementioned documents may be reviewed by the public;
 - f) a statement informing the public that any person wishing to object to the application, in case of non-compliance with this Directive, is to make such objection in writing to the Authority.
14. The applicant shall fix a notice on site containing the information listed under paragraph 13, whereby the applicant shall use the template format provided by the Authority. This site notice is to be firmly affixed and exhibited and is to be left on site during the consultation period for not less than ten (10) consecutive days commencing from the date of when the application was validated by the Authority.
15. The applicant shall submit to the Authority a copy of the notices published in the newspapers as provided for under paragraph 13, as well as a letter declaring that all the procedures laid out under Part V of this directive have been duly carried out.
16. (1) The Authority shall consider each objection sent by any person in respect of a proposed gaming parlour subject to a Public Notice.

Provided that such objection shall be received by the Authority within ten (10) consecutive days commencing from the date when the application was validated by the Authority, or within ten (10) days from when the notice period referred to under paragraph 14 has been terminated.

(2) The Authority shall:

- a) consider an objection solely on the grounds that the proposed gaming parlour is in breach of this Directive and that proof is given to the satisfaction of the Authority to this effect;
- b) reject an objection if it is frivolous or vexatious or if it is based on grounds which are extraneous to this Directive.

(3) The Authority, once it is satisfied that all the applicable provisions of the Regulations and the Directive are adhered to and that there are no valid objections, shall issue a



notification informing the applicant that he may proceed with opening the Gaming Parlour.

Provided that the Gaming Parlour shall be open and operative by not later than six (6) months from the date of the afore-mentioned notification.

Provided further that the Authority may, at its sole discretion, issue an extension of this six (6) month period if it receives a written request to this effect by not later than fifteen (15) days prior to the expiration of the six (6) month period.

Part VI – Site Considerations

17. Without prejudice to any other requirements established under any other law, regulations, directives and, or policies, gaming premises shall:

- a) be dedicated solely to gaming as the sole activity, unless the Authority directs otherwise. The offering of food or beverages, amongst others, is considered to constitute an ancillary activity and accordingly, unless otherwise authorised by the Authority, is not permitted to be carried out in gaming premises;
- b) not be accessible directly from any other premises which are not included in the site plans submitted to the competent authorities;
- c) not permit the gaming area to be visible to passing pedestrian traffic;
- d) provide for a registration area to be located at the entrance of the gaming premises for the purpose of registering every person prior to entry. There shall not be any direct street access to the gaming area. This shall not apply to lotto booths;
- e) conform with any other requirements as the Authority may direct as a condition to any approval or clearance applied for by the applicant.

Part VII – Assessment of Gaming Premises

18. Without prejudice to other laws, regulations, directives and, or policies that may be in force and applicable to gaming premises, the Authority will consider -

- a) the extent to which gaming is being offered to the public in the subject area;
- b) whether alternative entertainment uses exist within the venue;
- c) whether the general layout design and plan meet the objectives and requirements of this Directive and the Lotteries and Other Games Act as well as the regulations issued there under;
- d) any other factors and requirements as may be objectively and reasonably justified and appropriate by the Authority to fulfil this Directive and other relevant applicable policies and, or directives at the time.



19. On the basis of its consideration of the above issues, and the Directive in general, the Authority may require the applicant to modify its plans and proposal in order to reach the objectives of this Directive.
20. While each application shall be assessed and dealt with on its merits, the Authority will not support an application for gaming premises if it considers that there will be a negative impact on the amenity of the local area or wider community. The Authority shall inform the applicant of its reasoned opinion.

