

Report of:	Meeting	Date	Item no.
Mark Broadhurst Service Director, Health and Wellbeing	Licensing Committee	30 June 2016	6

Application for a variation of a gaming machine permit

1. Purpose of report

- 1.1 To consider an application for the variation of a gaming machine permit in respect of the Newton Arms, Staining, FY3 0AJ.

2. Outcomes

- 2.1 That the application should be considered by Members.

3. Recommendation

- 3.1 That Members consider whether the application to increase the number of Category C/D gaming machines at the premises by one, to a total of five, should be granted.

4. Background

- 4.1 A gaming machine is defined in the Gambling Act 2005 as: - 'A machine which is designed for use by individuals to gamble (whether or not it can be used for other purposes)'.
- 4.2 A Category C gaming machine is limited to a maximum stake of £1 and a maximum prize of £100.
- 4.3 Category C gaming machines may only be used by players whose minimum age is 18.
- 4.4 The Gambling Act 2005 states that there are no restrictions on the number of Category C machines that an alcohol licensed premises with a valid alcohol licence granted under the Licensing Act 2003 may have. Applications for more than two machines must be determined by the local licensing authority, by way of a permit application. Up to two machines can be automatically granted under the notification application procedure.

4.5 Section 4(1) of Schedule 13 of the Gambling Act states “A licensing authority to whom an application is made under this Schedule shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant”.

The licensing objectives being:-

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is conducted in a fair and open way; and
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling

4.6 The Council’s current Gambling Act Statement of Principles for 2016-2019 also supports the legislation. Section 11 states:-

11.4.2 If a premises wishes to have more than 2 machines, then it must apply for a permit. This Authority will consider such applications based upon the licensing objectives, as well as any guidance issued by the Gambling Commission and such matters as it considers to be relevant.

11.4.3 This Licensing Authority considers that such applications will be decided on a case by case basis. It will, however, have particular regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling. It will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machines.

11.4.4 Applications for permits for between two and four machines shall normally be granted under officers delegated powers unless the Director of People and Places considers that due to the circumstances in a particular case the matter should be determined by the Committee.

11.4.5 Measures which will satisfy the authority that there will be no access to those under 18, may include the adult machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants are encouraged to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

11.4.6 This Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot, however, be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

5. Key issues and proposals

- 5.1 The licence holder has submitted an application to increase the number of category C gaming machines permitted on the premises, by one, to a total of 4 and one category D machine, as can be seen from the application at **Appendix 1**.
- 5.2 The Newton Arms public house currently has the benefit of a Gaming Machine Permit number GMP0010 which allows the premises to operate 3 Category C machines and 1 D machine. This was granted on 9 February 2016 and there have been no enforcement issues with regard to this permit. Copy of current permit at **Appendix 2**. **Appendix 3** provides information received from the applicant with regard to the application.
- 5.3 Holders of gaming machine permits must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. A copy of this Code of Practice is attached as **Appendix 4**.
- 5.4 **Appendix 5** provides a plan of the premises, indicating where the applicant would position the new machine, should the permit be granted. On considering an application for a permit a licensing authority shall: -
- 1) Grant the application
 - 2) Refuse the application; or
 - 3) Grant it in respect of: -
 - (i) a smaller number of machines than specified in the application,
 - (ii) a different category of machines from that specified in the application,or
 - (iii) both.

Members may not attach conditions to a permit.

- 5.5 Wyre's scheme of delegation states that the Licensing Committee must determine any applications that request more than 4 category C/D machines to be installed at a premises. The application made by Poppleston Allen on behalf of Mitchells and Butlers Leisure Retail Ltd, requests 5.

Financial and legal implications	
Finance	No financial implications
Legal	The hearing should be conducted following the principles of natural justice. Any decision of the licensing Committee can be the subject of an appeal to the Magistrates Court by the applicant.

Other risks/implications: checklist

There are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications, and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Christa Ferguson Licensing Manager	887476	Christa.ferguson@wyre.gov.uk	14/06/2016

List of background papers:		
name of document	date	where available for inspection
Gambling Policy Statement	2016-2019	Licensing Section

List of appendices

- Appendix 1- Application to vary a gaming machine permit
- Appendix 2- Current Gaming Machine Permit
- Appendix 3- Emails from and to the solicitors on behalf of the applicant
- Appendix 4- Gambling Commission Code of practice
- Appendix 5- Plan of the premises

arm/rg/lic/cr/16/3006cf2

APPENDIX 1

Wyre Borough Council
NOTIFICATION OF 2 OR LESS GAMING MACHINES OR GAMING MACHINE PERMIT
APPLICATIONS (i.e for greater than 2 machines) for: VARIATION

(FOR USE BY PREMISES LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
Please refer to guidance notices at the back of this form before completing

SECTION C – Application for permit <u>transfer</u> (ie, where a transfer has been requested for the Licensing Act 2003 premises licence)	
4. Name of person requesting the transfer	
5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:	Requested <input type="checkbox"/> Granted <input type="checkbox"/>
6. Please provide your existing permit, or provide reasons stating why it cannot be provided	Existing Permit provided <input type="checkbox"/>
Reasons why existing permit cannot be provided	

SECTION D – General Information
7. Name of Premises: Newton Arms Hotel
8. Address of Premises: 1 Staining Road, Normoss, Blackpool, FY3 0AJ
9. Telephone number of Premises: 01253 397296
10. Name of existing Premises Licence holder: Mitchells & Butlers Leisure Retail Limited
11. Address of Premises Licence holder (if different from 8 above): 27 Fleet Street, Birmingham, B3 1JP
12. Telephone number (daytime) of Premises Licence holder: 0121 498 4000
13. E-mail address of Premises Licence holder (where available): licensing.admin@mbplc.com
14. Name, address, telephone and e-mail of agent (eg Solicitor) if submitted on behalf of the applicant: Emma Jones, Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS Tel : 0115 9349193 Email : e.jones@popall.co.uk
15. Licensing Act 2003 Premises Licence Reference (ie number): PL(A)0283

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SECTION E – Fee and Signature(s)

I enclose a sum of (£100.00) (cheques should be made payable to Wyre Borough Council)



I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading

Dated: 02 June 2016

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder) ..

Print Name: Poppleston Allen – Solicitors for & on behalf of the applicant

Official Use Only

Date of receipt 7/6/2016 085346

Signature and name of staff who received: £100 Cheque

Date of receipt of fee 13/6/2016

Signature and name of staff who received fee:

Application accepted / returned (please delete as appropriate) LIC Committee 30/6/2016

Date of premises licence (Licensing Act 2003) transfer (if applicable) N/A

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(FOR USE BY PREMISES LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
Please refer to guidance notices at the back of this form before completing

SECTION A – What do you want to do		
1. Please indicate what you would like do		
a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D <i>(If you choose this option please complete sections D and E)</i>		<input type="checkbox"/>
b) Apply to convert an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (ie for more than 2 gaming machines) <i>(if you choose this option then please complete sections B, D and E)</i>		<input type="checkbox"/>
c) Apply for a new licensed premises gaming machine permit <i>(if you choose this option then please complete sections B, D and E)</i>		<input type="checkbox"/>
d) Apply to vary an existing licensed premises gaming machine permit <i>(if you choose this option then please complete sections B, D and E)</i>		<input checked="" type="checkbox"/>
e) Apply to transfer an existing licensed premises gaming machine permit <i>(if you choose this option then please complete sections C, D and E)</i>		<input type="checkbox"/>

SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications)			
2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provided? (please complete the boxes in the table)			
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	
C	3	4	
D	1	1	
TOTAL	4	5	
3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided. Existing permit provided *			<input checked="" type="checkbox"/>
<i>(reasons why existing permit cannot be provided)</i>			

* Please keep a copy of your existing permit on the premises to which it relates

Wyre Borough Council
NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
VARIATION

Guidance notes:

1. This form is to be used for the **notification of up to 2 gaming machines** of categories C and / or D under Section 282 of the Gambling Act 2005, or for the **conversion of an existing Section 34** gaming machine permit under the Gaming Act 1968, or for a **new application, variation or transfer** of a alcohol licensed premises gaming machine permit under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines which may be applied for although the licensing authority has some discretion in this regard. It should also be noted that the licensing authority can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (Schedule 13 paragraph 16 Gambling Act 2005). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether application for certain numbers of machines are decided via a hearing of local councilors.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable by and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50.00. There are no annual fees payable for 2 machines or less.
7. Sections 282 and 283, as well as SI 2007 / of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:
 - a category C gaming machine has a maximum cash stake £1.00 and prize £70
 - A category D gaming machines can have different maximum stake and prizes depending on the type of machine:-
 - Where the prize is money the maximum stake 10p and cash prize £5.
 - Where the prize is not money the maximum stake is 30p and the maximum prize value is £8.
 - For mixed money and non money prize gaming machines the maximum stake is 10p and maximum prize value £8 of which £5 can be cash.
 - For crane grab machines only, which have non money prizes, maximum stake £1 and the maximum prize value £50.
 - For coin pushers or penny fall only the maximum cash stake is 10p and maximum prize value is £15 which can include up to £8 maximum of cash.
8. **All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005.** The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission or your local Council licensing service.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.
10. Where you are notifying the local licensing authority of 2 machines or less, you may wish to request an acknowledgement of receipt of the notification. The form attached to this application can be utilised for this purpose.

**LICENSED PREMISES GAMING MACHINE PERMIT
PERMIT NUMBER - GMP0010**

DETAILS OF THE LICENSED PREMISES GAMING MACHINE PERMIT
<p>This licensed premises gaming machine permit authorises</p> <p>Mitchells & Butlers Leisure Retail Ltd</p> <p>To make gaming machines, of the category and number specified below, available for use on the following premises</p> <p>Newton Arms Hotel</p> <p>1 Staining Road Normoss Blackpool Lancashire FY3 0AJ</p>
NUMBER OF MACHINES PERMITTED
<p>3 Category C 1 Category D</p>
EFFECTIVE DATE OF THIS PERMIT
<p>9th February 2016</p>

ISSUED on 9th February 2016
Issued on behalf of Wyre Council


 A handwritten signature in black ink, appearing to read 'M Broadley'.

Service Director, Health and Wellbeing

Ferguson, Christa

From: Emma Jones <E.Jones@popall.co.uk>
Sent: 10 June 2016 09:14
To: Ferguson, Christa
Subject: RE: Newton Arms

APPENDIX 3

Hi Christa

Yes my client wishes to proceed, please let me know if you require any further information.
Kind regards

Emma Jones | Paralegal

Poppleston Allen

E: E.Jones@popall.co.uk | T: 0115 9349 193 | W: www.popall.co.uk

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS



From: Ferguson, Christa [<mailto:Christa.Ferguson@wyre.gov.uk>]
Sent: 09 June 2016 15:08
To: Emma Jones
Subject: Newton Arms

Ref
EJ/EJ/P27623-31349
Doc ref 2145487759
Good afternoon

Thank you for your application to vary the Gaming Permit at the Newton Arms, Normoss FY3 0AJ. We can issue permits for up to 4 machines under delegated authority but for 5 or more machines the application will have to be heard by our Licensing Committee. Would you still like to continue with the application? If so I can write the report and schedule it for next hearing on Thursday 30 June. We have not processed the cheque yet and await your decision on whether your client would like to progress with the application.

Regards
Christa

Christa Ferguson
Licensing Manager
Wyre Council

Christa.Ferguson@wyre.gov.uk
01253 887476
Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU



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Code of practice for gaming machines in clubs and premises with an alcohol licence

For club gaming permits, club machine permits and alcohol licensed premises

August 2014

1 For club gaming permits, club machine permits and alcohol

This is the Commission's Code of Practice issued under section 24 of the Gambling Act 2005 (the Act) relating to provision of facilities for gaming machine gambling in accordance with club gaming, club machine and alcohol licensed premises permits. This includes:

- Registrations under Parts II and III of the Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively
- Club gaming and club machine permits issued under the Club Gaming and Club Machine Permits (Scotland) Regulations 2007
- Premises which have a licence issued by a Licensing Board under section 26(1) or 47(2) of the Licensing (Scotland) Act 2005 authorising the sale of alcohol on the premises.

Code provision 1.1

Club gaming permits, club machine permits and alcohol

Gaming machines in clubs and premises with an alcohol licence

1 Compliance with the code of practice should be the responsibility of a designated person:

- in pubs in England and Wales: the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence)
- in premises which are licensed to serve alcohol for consumption on the premises under the relevant Scottish licence: the premises manager (which the Licensing (Scotland) Act 2005 requires as a condition of the premises licence), or,
- where an occasional licence is held, a responsible person designated by the holder of the licence
- in clubs in England and Wales:
 - if an alcohol licence is held, the designated premises supervisor
 - if no alcohol licence is held, a responsible individual to be nominated by the club management or other governing body elected by the members
- in clubs in Scotland:
 - for a qualifying club under the Licensing (Clubs) (Scotland) Regulations 2007 (SI No 76 of 2007) a person nominated by the club management committee, or other governing body elected by the members, and who is trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007
 - for a qualifying club operating under an occasional licence a responsible person to be nominated by the club management committee or other governing body elected by the members
 - the name and contact details of the nominated person should be made available to the clerk of the relevant licensing board.

2 Location and operation of machines

All permit holders

Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.¹

Code provision 2.1

Location and operation of machines

All permit holders

- 1 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.
- 2 Permit holders must have in place arrangements for such supervision.
- 3 All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machines in order to do so. 'ATM' means a machine located on the premises, which enables a person using it to obtain cash by use of a credit or debit card.

3 Access to gambling by children and young persons

Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.

Code provision 3.1

Access to gambling by children and young persons

All permit holders

- 1 Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
 - checking the age of those who appear underage
 - refusing entry to anyone unable to produce an acceptable form of identification.
- 2 Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
 - Permit holders should 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.
- 3 The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.

¹ Compliance with these provisions is a condition of the relevant permit as a result of the Gambling Act 2005: section 271 for Club Gaming Permits, section 273 for Club Machine Permits, section 282 for alcohol licensed premises using their automatic machine permissions and section 283 for licensed premises Gaming Machine Permits and alcohol licensed premises Gaming Machine Permits.

Code provision 3.2

Access to gambling by children and young persons

All permit holders

- 1 Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Commission and the police, and making available information on problem gambling.

4 Complaints and disputes

Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.

Code provision 4.1

Complaints and disputes

All permit holders

- 1 Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises
- 2 A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
 - a) is not resolved at the first stage of the complaints procedure, and
 - b) relates to the outcome of the complainant's gambling transaction.
- 3 Permit holders should 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.

Gambling Commission August 2014

Keeping gambling fair and safe for all

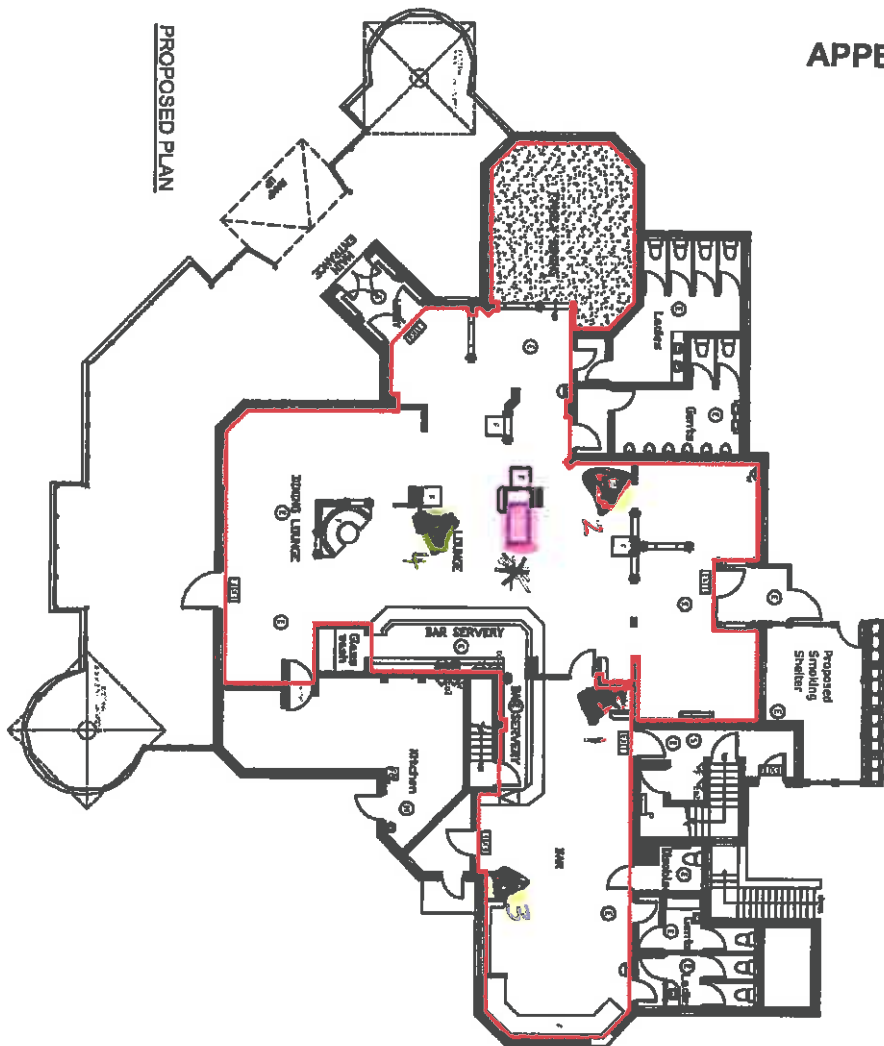
For further information or to register your interest in the Commission please visit our website at:
www.gamblingcommission.gov.uk

Copies of this document are available in alternative formats on request.

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Gambling Commission August 2014
ADV 14/07



CURRENT AND POSITIONS
 PROPOSED CRANE POSITION

This drawing is for Listing purposes only.
 Do not scale from this drawing.

KEY

- Fire alarm panel
- ▲ Fire alarm sounder (wall mounted)
- Fire alarm sounder (ceiling mounted)
- Fire alarm call point with fire procedures notice over
- ② Fire blanket
- ① Emergency light
- ③ Smoke detector
- ④ Heat Detector
- ⑤ Illuminated exit sign (Fire exit)
- ★ FD 30 S self sealing half hour fire door set and smoke seal
- FD 60 S self sealing half hour fire door set and smoke seal
- ⚡ Automatic Fire Door Keep Clear sign. These doors have electromagnetic hold open devices linked to the fire alarm. FD 30 S half hour fire door set and smoke seal
- ⚡ Panic bar
- ▲ 8 ltr AFFF foam extinguisher
- ▲ 6 kg powder ABC extinguisher
- ▲ 2 kg CO2 extinguisher
- ▲ 6 ltr water extinguisher
- ▭ Reinforced floor level
- ▭ Fixed seating / Fixed Table
- Licensee Activities

Note: The position of the fire and other safety equipment as shown on the plan or such other position as agreed from time to time in consultation with the fire authority.



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