

LICENSING SUB-COMMITTEE AGENDA



Thursday 12th September 2013

at 9.30 am

**in Committee Room B,
Civic Centre, Hartlepool**

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Cook (Chair), Gibbon and Griffin

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the Variation of a Gaming Machine Permit – Merry Go Round, Easington Road, Hartlepool, TS24 9AL – *Assistant Director, Regeneration*



Report of: Assistant Director, Regeneration

Subject: APPLICATION FOR THE VARIATION OF A
GAMING MACHINE PERMIT – MERRY GO
ROUND, EASINGTON ROAD, HARTLEPOOL
TS24 9AL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the variation of a gaming machine permit in respect of The MerryGo Round, Easington Road, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Applicant: Spirit Pub Company Services Ltd
Premises: Easington Road
Hartlepool
- 2.2 The application is for the variation of a current gaming machine permit so as to increase the number of Category C gaming machines from four to five.
- 2.3 On 14th March 2007 Members of the Licensing Committee determined that applications for four or more gaming machines must be referred to a Licensing Sub-Committee for consideration.

3. BACKGROUND

- 3.1 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’).
- 3.2 A Category C gaming machine is limited to a maximum stake of £1 and a maximum prize of £70.
- 3.3 Category C gaming machines may only be used by players whose minimum age is 18.

- 3.4 The Gambling Act 2005 states that there are no restrictions on the number of Category C machines that an alcohol licensed premises may have but that any more than two machines must be determined by the local licensing authority.
- 3.5 The applicant premises has a valid alcohol licence issued under the Licensing Act 2003.

4. ISSUES

- 4.1 Schedule 13 of the Gambling Act 2005 states that, when considering permit applications, licensing authorities shall have regard to the Act's licensing objectives and any guidance issued by the Gambling Commission and any other matters it thinks relevant.
- 4.2 The licensing objectives are: -
- 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
- 4.3 The Council's Gambling Act Statement of Principles states that, in relation to applications for permits: -
- Matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- Measures which will satisfy the authority that there will be no access may include whether adult machines are in sight of the bar, or in sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 4.4 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 I**.

4.5 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.

4.6 Members may not attach conditions to a permit.

5. RECOMMENDATIONS

5.1 That Members consider whether the application should be granted.

Gaming Machine Permits Code of Practice

- Club Gaming Permits and Club Machine Permits
- Alcohol Licensed Premises Permits and Permissions

June 2007

Introduction

- i. This is the Gambling Commission's Code of Practice issued under section 24 Gambling Act 2005 (the Act) relating to provision of facilities for gambling in accordance with club gaming, club machine and licensed premises gaming machine permits. This includes:
 - registrations under Parts II and III Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively; and
 - alcohol licensed premises gaming machine permits (formerly s34 1968 Act permits).
- ii. The Code will come into force on 1 September 2007.
- iii. Those items marked in bold and shaded are the provisions which are a condition of the permit and must be complied with.

Section A: 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

- 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.**
Permit holders must have in place arrangements for such supervision.
- 2 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 machine 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.**

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.

Section B: Access to gambling by children and young persons

All permit holders

This section sets out the best practice which the Gambling Commission considers should be implemented by permit-holders, compliance with this provision is not a condition of your permit.

- 3 Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
 - checking the age of apparently underage customers; and
 - refusing access to anyone who appears to be underage, and who tries to use category B or C gaming machines and cannot produce an acceptable form of identification.
- 4 Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
- 5 Permit holders should only accept identification which:
 - contains a photograph from which the individual can be identified;
 - is valid; and
 - is legible and has no visible signs of tampering or reproduction.

(The Commission considers acceptable forms of identification to include any identification carrying the PASS logo (eg Citizencard, Validate and the Government's own Connexions card); driving licence (including a provisional licence) with photocard; and passport).

- 6 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 Gambling Commission and the police, and making available information on problem gambling.

Section C: Self exclusion

This section sets out the best practice which the Gambling Commission considers should be implemented by permit-holders, compliance with this provision is not a condition of your permit.

Club gaming permit and club machine permit holders only

- 7 Permit holders should put in place procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- 8 Permit holders should implement procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling; this includes:
 - a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
 - photo identification (where available and in particular where enforcement of the system may depend on photographic ID), and a signature;
 - staff training to ensure that relevant staff are able to enforce the systems; and
 - the removal of those self-excluded persons found in the gambling area or attempting to gamble from the premises.

- 9** Self-exclusion procedures should require individuals to take positive action in order to self-exclude. This can be a signature on a self-exclusion form.
- 10** Before an individual self-excludes, permit holders should provide or make available sufficient information about what the consequences of self-exclusion are. Customers should be given the opportunity to discuss self-exclusion in private, where possible.
- 11** Permit holders should take all reasonable steps to ensure that:
- the self-exclusion period is a minimum of six months and give customers the option of extending this to a total of at least five years;
 - a customer who has decided to enter a self-exclusion agreement is given the opportunity to so do immediately without any cooling off period. However, if the customer wishes to consider the self exclusion further (for example to discuss with problem gambling groups) the customer may return at a later date to enter into self exclusion;
 - at the end of the period chosen by the customer (and at least six months later), maintain the self-exclusion in place, unless the customer takes positive action in order to gamble again. No marketing material may be sent to the individual unless that has taken positive action in order to gamble again, and has agreed to accept such material; and
 - where a customer chooses not to renew, and makes a positive request to begin gambling again, give the customer 1 day to cool off before being allowed access to the gambling facilities.
- 12** Please note that the Commission does not require the permit-holder to carry out an assessment or make any judgement of whether the individual should have access to gambling. The requirement to take positive action in person or over the phone is purely to:
- a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and
 - b) implement the 1 day cooling-off period and explain why this has been put in place.

Gambling Commission June 2007

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted fairly and openly, and by protecting children and vulnerable people from being harmed or exploited by gambling. The Commission also provides independent advice to government on gambling in Britain.

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

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6500
F 0121 233 1096
E info@gamblingcommission.gov.uk