

LICENSING SUB-COMMITTEE

AGENDA



Tuesday 8th October 2024

at 10.00 am

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

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Clayton, Little and Nelson

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 – Stag and Monkey, Brenda Road, Hartlepool - *Assistant Director, Regulatory Services*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

LICENSING ACT 2003

Procedure for Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. The Assistant Director (Regulatory Services), or representative shall outline the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Regulatory Services), or representative.
4. Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Parties may question and clarify issues raised with the consent of the Chair.
9. If required, responsible bodies/interested parties to be given opportunity to sum up.
10. If required, the applicant to be given opportunity to sum up.
11. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
12. Members to go into closed session to deliberate.
13. Chair informs parties of their decision, with reasons.

LICENSING SUB-COMMITTEE

8th October 2024



Report of: Assistant Director, Regulatory Services

Subject: APPLICATION FOR THE VARIATION OF A GAMING MACHINE PERMIT – STAG & MONKEY, BRENDA ROAD, HARTLEPOOL

1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:
- where people are enabled to live healthy, independent and prosperous lives.
- where those who are vulnerable will be safe and protected from harm.
- that has an inclusive and growing economy.

2 PURPOSE OF REPORT

2.1 To consider an application for the variation of a gaming machine permit in respect of the Stag & Monkey, Brenda Road, Hartlepool

2.2 Applicant: Greene King Brewing & Retailing Ltd

Premises: Stag & Monkey
Brenda Road
Hartlepool
TS25 1QD

2.3 The application is for the variation of a current gaming machine permit so as to increase the number of gaming machines from four to five (by increasing the

number of Category C machines from three to four plus one Category D machine).

- 2.4 A plan of the premises, showing the locations of existing machines and the proposed location for the additional machine, is attached as **Appendix 1** and the application to vary the permit is attached as **Appendix 2**. The applicant has provided a Gaming Machine Compliance Document which is attached as **Appendix 3**.

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 £100.

- 3.3 A Category C gaming machine may only be used by players whose minimum age is 18.

- 3.4 Category D gaming machines (of which the Stag & Monkey has one) are small stakes (up to 30p) machines offering a maximum prize of up to £50 in non-money or £5 in money, that can be played by people of any age, including children.

- 3.5 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.

- 3.6 The applicant's premises has a valid alcohol Licence issued under the Licensing Act 2003.

4. PROPOSALS

- 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 state 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 harmed or being exploited by gambling and 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 the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include the adult machines being in sight 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 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 4.

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:
 - A smaller number of machines than specified in the application,
 - A different category or machines from that specified in the application, or
 - both

4.6 Members may not attach conditions to a permit.

5. OTHER CONSIDERATIONS/ IMPLICATIONS

Risk Implications	None
Financial Considerations	None
Legal Considerations	None
Equality and Diversity Considerations	None
Staff Considerations	None
Asset Management Considerations	None
Environmental, Sustainability and Climate Change Considerations	None

6. RECOMMENDATIONS

- 6.1 That Members consider whether the application should be granted.

7. REASONS FOR RECOMMENDATIONS

None

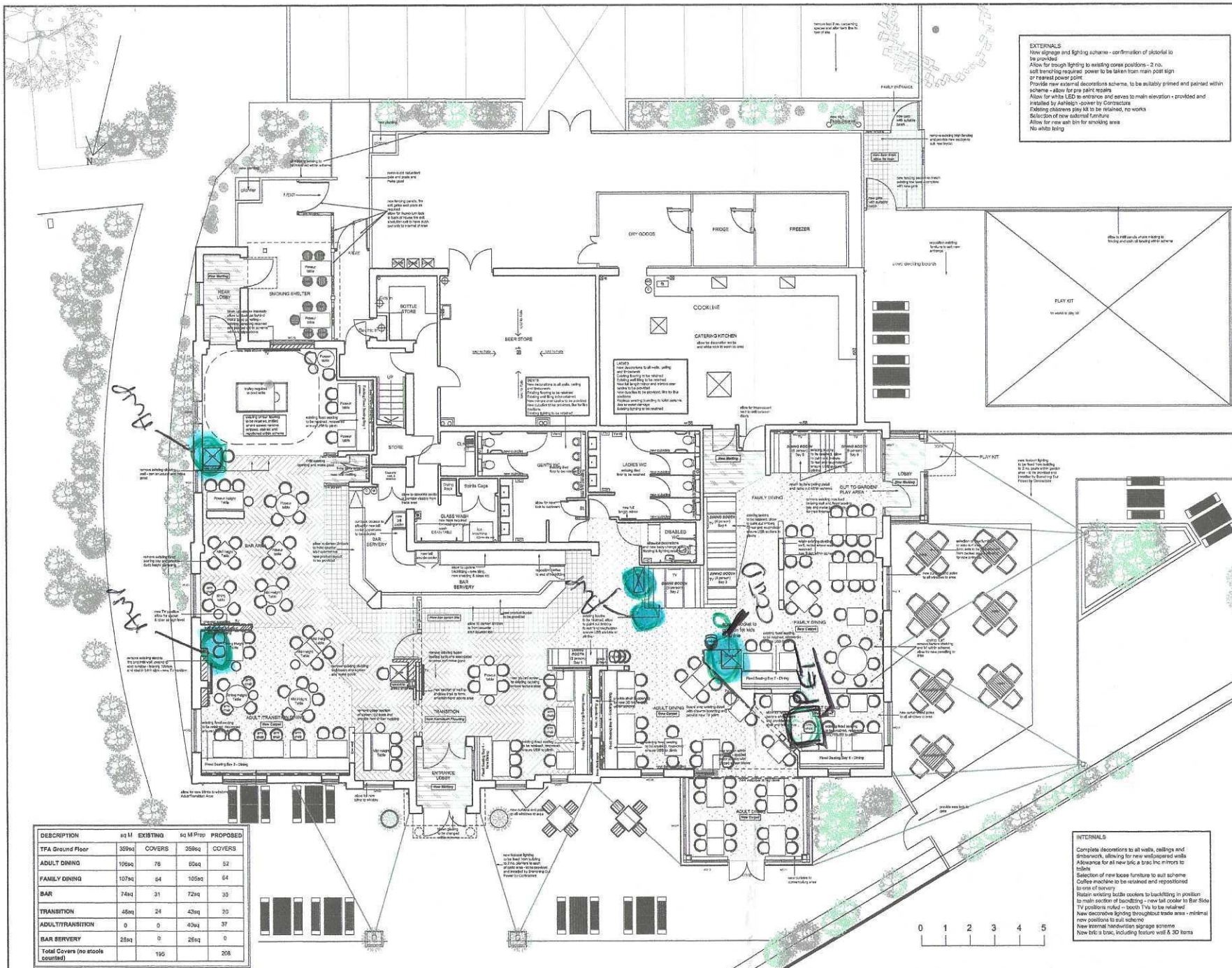
8. BACKGROUND PAPERS

Hartlepool Borough Council Statement of Principles – Gambling Act 2005
https://www.hartlepool.gov.uk/info/20023/licences_and_permits/245/gambling

9. CONTACT OFFICERS

- 9.1 Rachael Readman
 Trading Standards and Licensing Manager

Sylvia Pinkney
 Assistant Director (Regulatory Services)



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- Warning, no dimensions to be scaled from this drawing. All contractors to visit the site and be responsible for taking and checking all dimensions relative to this work. The designer must be advised of any discrepancies in writing.
- This drawing must be read in conjunction with the specification / bill of materials and related drawings. Any structural work must be carried out to the exact specification and requirements of the client's appointed structural engineer, and any amendments must have the express prior written authority.
- All structural work must be inspected at all relevant stages by the structural engineer and the Local Authority's Building Surveyor and comply with their requirements. Any costs and claims for damages, loss of trade, etc. incurred by failing to do so are the sole liability of the contractor.
- Any discrepancies between drawings and/or drawings and specification, should be reported to the designer prior to any work commencing.

Stag & Monkey
TS25 1SD

Date	Revisions	HL
03/07/19	Amended to create separate drinking area - new doors added. TV added to Adult Dining & Transition	CP
28/09/19	Updated cover numbers and 6sq m of tables added	CP
17/05/19	Amendments to follow CH approved layout for new build home	CP

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Client: GREENE KING

Job Title: HANLEY HOUSE
57/58 & MONKEY
BRENDEN ROAD
HANLEY, STOKE
TS25 1SD

Drawing Title: PROPOSED LAYOUT

Scale: 1:100 D/A2

Date: MAY 19

Drawn By: CP

Checked By:

Drawn: 2558-02

Appendix 2

Our Ref: 1277076

GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES: CONVERSION / NEW / VARIATION / TRANSFER

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Please refer to guidance notes at the back of this form before completing

To: Hartlepool Borough Council - QUOTE PERMIT NO. , Civic Centre, Victoria Road,
Hartlepool, TS24 8AY

SECTION A – What do you want to do?

1. Please indicate what you would like to do

- a) Apply **to convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit where you want more than 2 gaming machines
(if you choose this option then please complete sections B, D and E) ☐
- b) Apply for a **new** licensed premises gaming machine permit where you want more than 2 gaming machines
(if you choose this option then please complete sections B, D and E) ☐
- c) Apply to **vary** an existing licensed premises gaming machine permit
(if you choose this option then please complete sections B, D and E) X
- d) Apply to **transfer** an existing licensed premises gaming machine permit
(if you choose this option then please complete sections C, D and E) ☐

SECTION B – Application for grant (includes conversion, new and variation 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 provide? (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*

☐

<i>(Reasons why existing permit cannot be provided)</i>	
.....	

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

**GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

<p>Section C – Application for permit <u>transfer</u> <i>(i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</i></p> <p>4. Name of person requesting the transfer</p> <p>.....</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <div style="text-align: right; margin-right: 50px;"> <p>Requested <input type="checkbox"/></p> <p>Granted <input type="checkbox"/></p> </div> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <div style="text-align: right; margin-right: 50px;"> <p>Existing permit provided <input type="checkbox"/></p> <p>Reasons why existing permit cannot be provided</p> </div> <p>.....</p>	
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Section D – General Information

7. NAME OF PREMISES: Stag & Monkey

8. ADDRESS OF PREMISES: Brenda Road, Hartlepool, TS25 1QD

9. TELEPHONE NUMBER OF PREMISES: UNKNOWN

10. NAME OF EXISTING PREMISES LICENCE HOLDER: GREENE KING BREWING & RETAILING LTD

11. ADDRESS OF PREMISES LICENCE HOLDER: WESTGATE BREWERY, BURY ST EDMUNDS, SUFFOLK, IP33 1QR

12. DAYTIME TELEPHONE NUMBER OF PREMISES LICENCE HOLDER: 01283763222

13. E-MAIL ADDRESS OF PREMISES LICENCE HOLDER: licensing@greeneking.co.uk

14. AGENT (E.G. SOLICITOR) IF SUBMITTED ON BEHALF OF THE APPLICANT:

Inspired Gaming (UK) Ltd, First Floor, 107 Station Street,
Burton upon Trent, Staffordshire, DE14 1SZ
Telephone: 01138214082
Roz.sage@inseinc.com

15. LICENSING ACT 2003 PREMISES LICENCE REFERENCE (I.E. NUMBER)

**GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Section E – Fee and Signature(s)

I enclose a cheque payable Hartlepool Borough Council - QUOTE PERMIT NO.



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...27/06/2024.....

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

.....

Print Name...Roz Sage.....

* If you wish to have more than 2 gaming machines then please check the fee payable.

Official Use Only

Date of receipt:
Name of staff member who received application form:
Date of receipt of fee:
Name of staff member who received fee:
Application accepted / returned (please delete as appropriate)
Date of premises licence (Licensing Act 2003) transfer (if applicable):

GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Guidance notes:

1. This form is to be used 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.
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 within 30 days of the date of issue of the permit 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 (to be confirmed). There are no annual fees payable for 2 machines or less.
7. Two types of gaming machines may be located in alcohol licensed premises. These are:
 Category C: Maximum stake = 50p / Maximum prize = £100

Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary

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.
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.

Appendix 3 – Gaming Machine Compliance Document



LEISURE MACHINES COMPLIANCE

AWP ~ Amusement With Prizes

Permits and Permissions (2 different types)

- Licensed Premises Gaming Machine Permit~
 - These are issued under the 2005 Gaming Act for public houses wanting to have 3 or more gaming machines.
 - They must be kept on site for inspection upon request but not displayed and are enforced by the Local Authority
- Automatic Entitlement ~
 - Public houses wishing to have up to two gaming machines can send a simple notification to the Local Authority who will automatically grant permission.
 - Only confirmation of receipt must be sent from the Local Authority to the applicant though some do send something more formal.
 - There is no requirement to display or keep anything on the premises and in most cases there will be no physical permit.

MACHINE GAMES DUTY

As of 1st February 2013 this replaced Amusement Machine License Duty (AMLDD).

Appendix 3 – Gaming Machine Compliance Document

GAMBLING COMMISSION CODE OF PRACTICE C.O.P

- All pubs offering gaming machines **MUST** adhere to the Gambling Commissions C.O.P.
- Failure to comply can result in revocation of permission the offer machines and possible fines.
- A copy of ‘The Code of Practice for Equal Chance gaming’ and ‘The Code of Practice for Gaming Machine Permits’ are included in your pack.
- All of your team should have site of these and be aware of their responsibilities.

MAIN POINTS OF THE GAMBLING COMMISSIONS CODE OF PRACTICE~ PERMITS

- All gaming machines situated on the premises must be in a place that their use can be supervised either by staff whose duties include supervision or by other means.
 - Permit holders must place these arrangements.
- All gaming machines must be situated in a position that any player wishing to use an ATM must cease gambling to do so.
- Permit holders should put into effect procedures to prevent under 18’s gambling
 - Breaking this law could hold a penalty of up to 51 weeks imprisonment and/or £5000 fine with the under age player receiving a fine of up to £1000.

MAIN POINTS OF THE GAMBLING COMMISSIONS CODE OF PRACTICE ~ EQUAL CHANCE GAMING

- The DPS should ensure compliance with the Code of Practice
- Pubs can not charge participation fees.
- £100 per premises per day limit.
- DPS to ensure no under age gaming is taking place (Proof of ID required)
- Pot should be kept in sight of DPS at all times
- DPS to keep record of ~
 - Number of games played
 - Number of players
 - The amount staked to ensure the individual, daily and weekly stake limits are not exceeded.

Appendix 3 – Gaming Machine Compliance Document

JUKE BOX AND BACKGROUND MUSIC

There are two separate copyrights in sound recording and a licence is required for each one, to play music in a public house requires both licences to be paid.

- PPL: Phonographic Performance Licence
 - Juke boxes and BGM systems from our nominated suppliers ~ suppliers collect and pay the PPL licence duty and pay it.
 - Advice and costing can be sought from the PPL department on 0207 534 100

- PRS (formerly Performing Rights Society)
 - The rate will vary depending on several factors
 - Type of equipment used to play music
 - Size of the venue
 - Music acts playing in the venue and frequency
 - Televisions on the premises
 - A quote for PRS licence can be supplied by calling 0800 068 4828

Appendix 4 – Gambling Commission Codes of Practice, Section C

<https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence>

Section C - Gaming machines in clubs and premises with an alcohol licence

This is the Commission's Code of Practice issued under section 24 of the [Gambling Act 2005 \(opens in new tab\)](#) (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 \(opens in new tab\)](#) 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 \(opens in new tab\)](#)
- Premises which have a licence issued by a Licensing Board under section 26(1) or 47(2) of the [Licensing \(Scotland\) Act 2005 \(opens in new tab\)](#) authorising the sale of alcohol on the premises.

Code provision 1.1

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 \(opens in new tab\)](#) 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 \(opens in new tab\)](#) 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

Appendix 4 – Gambling Commission Codes of Practice, Section C

- 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 \(opens in new tab\)](#) (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 \(opens in new tab\)](#)
 - 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.²

Code provision 2.1

2. 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.
3. Permit holders must have in place arrangements for such supervision.
4. 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.

Appendix 4 – Gambling Commission Codes of Practice, Section C

Code provision 3.1

5. 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.
6. 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.
7. The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example [Citizencard \(opens in new tab\)](#) or [Validate \(opens in new tab\)](#)); a driving licence (including provisional licence) with photocard; or a passport.

Code provision 3.2

8. 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

9. Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises.
10. 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:
 - is not resolved at the first stage of the complaints procedure and
 - relates to the outcome of the complainant's gambling transaction.

Appendix 4 – Gambling Commission Codes of Practice, Section C

11. The designated person 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

12. all complaints are handled in accordance with the procedure.

² Compliance with these provisions is a condition of the relevant permit as a result of the [Gambling Act 2005 \(opens in new tab\)](#): 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.