

Report of:	Meeting	Date
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	31 January 2019

Application to vary Permit GMP0010 in respect of the Newton Arms

1. Purpose of report

- 1.1 To consider an application to vary a gaming machine permit in respect of the Newton Arms, 1 Staining Road, Staining, FY3 0AJ.

2. Outcomes

- 2.1 That the application be determined 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 six, 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:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- 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 [now the Director of Health and Wellbeing] 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 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 5 and one category D machine (**Appendix 1**).
- 5.2 The Newton Arms public house currently has the benefit of a Gaming Machine Permit ref: GMP0010 (**Appendix 2**) which allows the premises to operate 4 Category C machines and 1 D machine. This was granted on 1 July 2016 by the Licensing Committee and there have been no compliance issues since that time, with regard to this permit.
- 5.3 **Appendix 3** is a plan of the premises, indicating where the applicant would position the new machine, should the permit be granted.
- 5.4 Holders of gaming machine permits must comply with any Code of Practice issued by the Gambling Commission about the location and operation of machines. A copy of the current Code of Practice is attached as **Appendix 4**.
- 5.5 Lancashire Police have been consulted and have raised no concerns about the granting of this application.
- 5.6 The Senior Licensing Officer visited the premises to assess the suitability of the proposed site for the additional gaming machine and is satisfied that if approved, it will be in clear sight of staff and its' use will be monitored.
- 5.7 All staff at the premises undertake regular refresher training on age restricted products, including access to gaming machines which is overseen by the Designated Premises Supervisor.
- 5.8 On considering an application for a permit a licensing authority shall: -
- 1) Grant the application
 - 2) Refuse the application; or
 - 3) Grant it for: (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.

The Licensing Authority may not attach conditions to a permit.

Financial and legal implications	
Finance	Should the application be granted the applicant will continue to be liable for an annual fee of £50.00.
Legal	The hearing should be conducted following the principles of natural justice and in accordance with the Council's hearing procedures. Any person aggrieved by a decision of the Licensing Committee may challenge it on appeal to the Magistrates Court.

Other risks/implications: checklist

If 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 an x.

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

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e purchase of a new system, a new working arrangement with a 3rd party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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

List of appendices

- Appendix 1 – Application form
- Appendix 2 – Current permit
- Appendix 3 – Plan of premises
- Appendix 4 – Gambling Commission Code of Practice