

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

Application to vary Permit GMP0011 in respect of the Bull Hotel
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1. Purpose of report

1.1 To consider an application to vary a gaming machine permit in respect of the Bull Hotel, 2 Blackpool Old Road, Poulton-le-Fylde, FY6 7DH.

2. Outcomes

2.1 That the application be determined by Members.

3. Recommendation

3.1 That Members consider whether to grant the application to increase the number of Category C gaming machines at the premises by one, to a total of six.

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 who are aged 18 or over.

4.4 The Gambling Act 2005 does not place any restrictions on the number of Category C machines that premises licenced for the consumption of alcohol on the premises, under the Licensing Act 2003, may have.

4.5 Premises with a valid alcohol licence are automatically entitled to provide one or two category C machines, subject to the notification procedure and a one off fee of £50.

- 4.6 Applications for more than two machines must be determined by the local licensing authority, by way of a permit application. This is subject to an application fee of £100 and an annual fee of £50.
- 4.7 Wyre Council's current scheme of delegation provides for applications for up to four machines to be granted by an officer, while applications for five or more machines must be considered by the Licensing Committee.
- 4.8 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
- 4.9 The Council's current Statement of Gambling Policy 2019-2021 addresses the provision of gaming machines on on-licensed premises in section 25 which is reproduced at **Appendix 1**.

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 six (**Appendix 2**).
- 5.2 The Bull Hotel currently has the benefit of a Gaming Machine Permit ref: GMP0011 (**Appendix 3**) which allows them to provide five Category C machines. The Licensing unit has no records of complaints or compliance issues relating to the provision of gaming machines at the premises.
- 5.3 **Appendix 4** is a plan of the premises, indicating where the current machines are sited and where the new machine would be located, should the permit variation 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 5**.
- 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 the bar staff and its' use will be monitored.
- 5.7** All staff at the premises undertake in-house training on age restricted products, including access to gaming machines, which is overseen by the Designated Premises Supervisor. They are also required to undergo refresher training periodically in accordance with the brewery Stonegate's due diligence policy.
- 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 that than specified in the application, (ii) a different category of machines from that specified in the application, or (iii) both.
- 5.9** The Licensing Authority may not attach conditions to a Licensed Premises Gaming Machine Permit.

Financial and legal implications	
Finance	The application attracted a £100 fee and if granted will continue to attract an annual fee of £50.
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
data protection	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.

report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
Statement of Gambling Policy	2019 – 2021	Licensing Office

List of appendices

- Appendix 1 – Excerpt from the Council's current Gambling Policy
- Appendix 2 – Application form
- Appendix 3 – Current permit
- Appendix 4 – Plan of premises
- Appendix 5 – Gambling Commission Code of Practice