

LICENSING ACT 2003 SUB-COMMITTEE

FRIDAY, 16TH JANUARY 2015, 2.00 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Licensing Act 2003 Sub-Committee, the following information that was unavailable when the agenda was published.

Agenda No	Item	
------------------	-------------	--

4B	THE HIGHFIELD RESTAURANT, SOUTHPORT ROAD, LEYLAND	
-----------	--	--

		(Pages 185 - 200)
--	--	----------------------

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Act 2003 Sub-Committee

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

This page is intentionally left blank

PROJECT NO.	1000000000
DATE	10/10/2010
BY	1000000000
CHECKED BY	1000000000
SCALE	AS SHOWN
PROJECT NAME	1000000000
PROJECT ADDRESS	1000000000
PROJECT CITY	1000000000
PROJECT STATE	1000000000
PROJECT ZIP	1000000000
PROJECT PHONE	1000000000
PROJECT FAX	1000000000
PROJECT EMAIL	1000000000
PROJECT WEBSITE	1000000000
PROJECT DESCRIPTION	1000000000
PROJECT NOTES	1000000000
PROJECT STATUS	1000000000
PROJECT PHASE	1000000000
PROJECT BUDGET	1000000000
PROJECT COST	1000000000
PROJECT PROFIT	1000000000
PROJECT GROSS	1000000000
PROJECT NET	1000000000
PROJECT TOTAL	1000000000



1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES AND STANDARDS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
 8. ALL WASTE AND DEBRIS SHALL BE REMOVED FROM THE SITE DAILY.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.

This page is intentionally left blank

Statement - Highfield, Croston

Thank you for considering the application for 2 x Category C Gaming machines and 1 x Category D machine.

I can confirm that the existing 2 x Category C Gaming machines are located within the Bar Area of the venue (shown in yellow on the venue's plan's).

This Bar Area is strictly limited to Over 18's Only and a Challenge 21 Policy is also in place.

Mitchells and Butlers has a policy in place which has been written to support all relevant Gaming Legislation and to assist with compliance with the law. The Manager's and their team at the Highfield Restaurant, Preston are aware that the law requires that No Person Under 18 is allowed to play a Gaming machine (Category 'C'). That includes children aided and abetted by third parties. (attached is the Mitchells and Butlers policy on Gaming).

With reference to the Category D machine, we wish for this machine to be located in the family area, "Fuzzy Ed's". The Category D machine we wish to place within Fuzzy Ed's is a "Teddy Grabber" crane machine suitable for family entertainment and is not located within the vicinity of the Category C Gaming machines. (shown as Cat D on the venue's plan's).

I do hope we have included all of the relevant documents and assurances to secure this application.

Thank you and best wishes.

Dawn Clarke

This page is intentionally left blank

IT IS UNLAWFUL FOR ANYONE UNDER THE AGE OF 18 TO PLAY ON A GAMING MACHINE (Category 'C')

Q&A for RODs, RBMs, MANAGERS.

The Gambling Act 2005

Please NOTE a Gaming Machine (Category 'C') is the new classification for your existing Amusement With Prize (AWP) or Fruit Machine

1. Does the ban affect my business premises?

Yes, you may face a criminal prosecution and fine plus losing your Gaming Machine Permission if you do not follow the law.

2. How does the law affect my business premises?

The law requires that No Person Under 18 is allowed to play a Gaming machine (Category 'C'). That includes children aided and abetted by third parties.

Does the law include Quiz Machines and Dedicated Video games?

3. No. Entertainment Machines or Skill With Prize machines such as Itbox, Paragon, Ind:e, Golf & Driving Games etc

are all exempt as they are not classified as 'Gaming Machines'

The law does APPLY to Reel and NON reel based VIDEO Gaming Machines (Category 'C') traditionally known as Fruit Machines which will have a label identifying them affixed by our suppliers and manufacturers.

6. Does this apply to all my guests / customers / staff or just those in dining areas or in the vicinity of the bar?

The law applies to everyone in the licensed premises.

7. My premises currently has designated or segregated areas for children and we have machines near that area – Is this legal?

It is the playing of the Gaming Machine (category 'C') not the location of such machines in the licensed premises that is covered by this legislation. Clearly they have to be effectively supervised and this is usually best achieved by them being within sight of the bar servery.

MANAGER & TEAM RESPONSIBILITIES

8. As an employer, or person in control of premises, what will I have to do to comply with the law?

The Company, its managers and those in control of licensed premises are required to effectively supervise the age of any person playing a Gaming Machine (Category 'C'). A "NO UNDER 18's TO PLAY" notice will be on the machine. In addition it is MAB policy that anyone appearing Under 21 should be challenged to produce ID proving that they are 18 or over.

9. What do I do if I ask someone to stop playing and they have credits to play on the machine and possibly winnings available to them?

By law we are required to pay them back any un-played credits, however we are not allowed to pay any winnings. It is MAB policy that winnings will be paid to the person concerned if they provide their name, address and signature before leaving the premises and return within 48 hours with appropriate ID showing they are over 18. Monies paid for un-played credits and, where appropriate, winnings should be recorded and signed for by the person receiving the money. This will be presented to the collector in the normal way to allow repayment of money paid out of your till.

10. What do I do if someone ignores the Law and continues to play?

You will be expected to take all reasonable steps, outlined above, to ensure that the person stops

playing. In the event of them refusing to stop playing they should be asked to leave the premises, should they refuse, then seek the assistance of Duty Management and if necessary invoke incident management procedures

It is important to implement the Challenge 21 policy for any person playing Gaming Machines to ensure that all persons are aged 18 and over. A record of all challenges must be kept.

ENFORCEMENTS & CHECKS

11. Who will enforce the law?

It can be Police, Gambling Commission, Council Officers or Trading Standards who have the power to enter the premises in order to establish that the Gambling Act 2005 and its "No Under 18s to Play" a Gaming Machine (Category 'C') legislation, is being upheld in accordance with the law.

12. Will my business be subject to checks?

YES ! Police, Gambling Commission, Council Officers & Trading Standards Officers have powers to enter the premise in order to check whether effective supervision is being applied.

13. What penalties will there be for those who break the law?

The person guilty of an offence is potentially liable to be fined, on conviction, between £200 and £5,000. The young person may be fined up to £1,000. The site may also lose its machine permissions.

14. Are our premise licenses at risk if we allow under age Gaming in our premises?

No. However, you can lose your permit to site Gaming Machines and be subject to a fine of between £200 and £5,000.



General MAB Policy/ Information Position

IT IS UNLAWFUL FOR ANYONE UNDER THE AGE OF 18 TO PLAY ON A GAMING MACHINE (Category C).

Please note that a Gaming Machine (Category 'C') is the technical term for your Amusement With Prize (AWP) or Fruit Machine.

1. Purpose

This MAB policy has been written to support all relevant legislation and to assist compliance with the law.

One purpose of the legislation (contained in the Gambling Act 2005) is to protect children and vulnerable adults from being harmed or exploited by gambling. If an enforcement officer or local authority has an issue with the content of this policy, they should be directed to raise the matter in writing to: The Company Secretary, Mitchells & Butlers Plc, 27 Fleet Street, Birmingham, B3 1JP.

Offences under the new legislation include:-

- Gambling on a Gaming Machine (Category 'C') when under the age of 18 Years Old.
- Participating in playing a Gaming Machine (Category 'C') with anyone under the age of 18 years.

2. Policy

The Company's policy is that of the Law. **IT IS UNLAWFUL FOR ANYONE UNDER THE AGE OF 18 TO PLAY ON A GAMING MACHINE (Category C) OR PARTICIPATE WITH THAT PERSON.**

3. Implementation

Overall responsibility for policy implementation rests with the Manager of the licensed premises. When he/she is absent the Duty Manager or other person responsible for the day to day operation of the premises is responsible. All team members are obliged to adhere to the policy, and fully support its implementation.

In particular the Manager is to:-

- Ensure that all existing employees are informed of the policy and their role in the implementation and monitoring of the policy.
- Ensure that all new personnel are briefed on the policy at the time of their recruitment/induction.
- Ensure that all team members sign to confirm that they have been trained on the measures that have to be followed and understand their responsibilities.
- An attached record sheet assists with this responsibility and must be completed.

4. **Signage**

“No Under 18’s to Play” signage is already on Category C Gaming Machine(s)

5. **Non-Compliance**

In addition to any Legal Action that may arise due to anyone under the age of 18 years playing a Gaming Machine (Category ‘C’) or participating with such play on the Premises, failure to comply will be subject to action under the Mitchells & Butlers disciplinary procedure.

6. **Due Diligence Actions.**

The following guidelines have been drawn up for Managers and Team Members so that everyone is aware of the action to be taken if someone under the age of 18 (team member, guest / customer or visitor) plays, or an adult participates in the playing of a Gaming Machine (Category ‘C’) by a person under the age of 18 on the premises. Any person under 18 years of age playing a Gaming machine (Category ‘C’), together with those permitting or participating in play by an under 18 year old are potentially liable to prosecution, a fine and the loss of the site’s permit to site Gaming Machines (Category ‘C’) on the premises.

There is a due diligence defence available if all reasonable steps to determine the individual’s age are taken and if it is reasonably believed the individual was over 18.

The young person may be fined up to £1,000. An adult is potentially liable to be fined, on conviction, up to £5,000.

General advice on preventing an offence being committed under the terms of the Gambling Act 2005:-.

- ***If appropriate to the site, an age related door entry policy.***
- ***More generally, through observation of persons appearing to be under the age of 21 years, such that they can be challenged for their ID if they play a Gaming Machine (Category C).***

- ***Gaming Machines (Category C) must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision or by other means such as door control. Arrangements must be in place for such supervision.***
- ***Gaming Machines (Category C) must be sited such that players should have to cease playing on the machine to use the ATM. MAB policy is that there should be a minimum of 1 metre between an ATM machine that dispenses cash by use of a card and the gaming machine, although the greater the distance the better.***

Action to be taken if a person under 18 years of age is identified playing a Gaming Machine (Category C):-

- Draw the person's attention to the 'No U-18' signs and advise them that they are committing an offence. Politely advise them, and if appropriate, anyone participating with them, that they are breaking the law and must stop playing the gaming machine. There may be non-gaming machines on the premises which they can play instead.
- Advise the persons that it is also an offence for you (as manager or team member) to let them continue playing the Gaming Machine.
- In the event of them refusing to stop playing they should be asked to leave the premises, should they refuse, then seek the assistance of Duty Management and if necessary invoke incident management procedures.
- In all cases the incident must be reported to the Duty Manager and recorded using the Company's Incident Report Form and forwarded in the usual manner.
- Any un-played credits remaining on the machine should be refunded. A record should be kept of the value of any winnings shown on the machine. These will only be paid to the person concerned if they provide their name, address and signature before leaving the premises and return within 48 hours with appropriate ID showing they are over 18. Monies paid for un-played credits and, where appropriate, winnings should be recorded and signed for by the person receiving the money. This will be presented to the collector in the normal way to allow repayment of money paid out of your till.

If the person playing is an employee:

- The above procedure remains the same but in addition disciplinary procedures should be applied.

7. Enforcement Officers.

The law can be enforced by Police, Gambling Commission or Council Representatives, who have been authorised to carry out this work.

The Authorised enforcement officers have the power to enter all premises to determine whether the law is being upheld and also assess whether or not those in control of the

premises have taken all reasonable precautions to prevent anyone Under the age of 18 playing Gaming Machines (Category 'C'). This will assist in providing due diligence defence.

Children can and are likely to be used in enforcement operations and test playing by under 18 year olds.

If you have received a visit from a Legally Empowered official which has resulted in the premises being found to be non-compliant in some way, you should inform your RBM immediately and then call the Business Incident Helpline on 08456 013687.

8. Miscellaneous.

A set of structured training notes have been prepared to assist you in briefing your team members.

You will need to run a training session to train your team members on the forth coming legislation, this must be complete by 28th February 2015 at the latest.

If you have any questions about the attached training session please contact your Retail Business Manager in the first instance, alternatively your Electronic Leisure Manager or Risk & Compliance Manager.

At the end of the training session the Training Record form must be signed by each trained team member and filed in the due diligence manual.

Mitchells & Butlers
January 2015



IT IS UNLAWFUL FOR ANYONE UNDER THE AGE OF 18 TO PLAY ON A GAMING MACHINE (Category C)

Training Notes for LHMs

Please NOTE a Gaming Machine (Category 'C') is the technical term for your Amusement With Prize (AWP) or Fruit Machine

These training notes are designed to help Managers deliver an effective training session to team members regarding the Gambling Act 2005.

Ensure the Training Record form is signed at the end of training.

Key word	Content
INTRODUCTION	Welcome your team, thank them for coming.
THE LAW	<p>The Gambling Act 2005.</p> <ul style="list-style-type: none">The purpose of age legislation is to protect children and vulnerable adults from being harmed or exploited by gambling. <p>What Machines are covered in Pubs? ONLY Gaming Machines (Category 'C') which are normally known as Fruit Machines. They are either normal Reel Based Gaming Machines (Category 'C') or Video Based Gaming Machines (Category 'C') Entertainment Machines or Skill With Prize machines such as Paragon and Ind:e are all exempt as they are not classified as 'Gaming Machines'</p>

OFFENCES	<p>Why is the Gambling Act introducing a clause which bans Under 18's from playing a Gaming Machine (Category 'C')? Ask the team.</p> <p>A: It decreases the risk of Vulnerable persons being harmed or exploited by gambling.</p> <p>Under this legislation there are offences:</p> <ul style="list-style-type: none"> ○ Playing a Gaming Machine (Category 'C') when under the age of 18. ○ Permitting or Participating with anyone under the age of 18 to play a Gaming Machine (Category 'C').
----------	--

PENALTIES	<p>Failure to comply with the law is an offence. The penalties on conviction are:</p> <ul style="list-style-type: none"> ○ Up to £1,000 for playing a Gaming Machine (Cat. 'C') when under the age of 18 years. ○ Up to £5,000 for an adult permitting or participating in the playing of a Gaming Machine (Cat.C) by a person under 18 years of age. <p>The law can be enforced by Police, Gambling Commission, Council Officers and potentially Trading Standards as they have powers to enter premises.</p> <p>Children can and are likely to be used in enforcement operations and test purchasing.</p> <p>As well as being fined for allowing Under 18's to Play a Gaming Machine (Category 'C') on the premises, it will also put in jeopardy our permit to site Gaming Machines on the premises.</p>
ACTION	<p><u>If a Guest/Customer playing a Gaming Machine (Cat. C) appears to be under the age of 21 then they must be challenged. If they are 18 or over, then the only action is to record the Challenge in the House Incident Book and inform the Duty Manager.</u></p> <p>Q1. If a guest / customer / colleague Under 18 is playing a Gaming Machine (Cat. 'C') what action should be taken?</p> <p>A1. Draw the person's attention to the 'No U-18' signs and advise them that they are committing an offence. Politely advise them, and if appropriate, anyone participating with them, that they are breaking the law and must stop playing the gaming machine. There may be non-gaming machines on the premises which</p>

they can play instead.

- A2. Advise the persons that it is also an offence for you (as manager or team member) to let them continue playing the Gaming Machine.
- A3. In the event of them refusing to stop playing they should be asked to leave the premises, should they refuse, then seek the assistance of Duty Management and if necessary invoke incident management procedures.
- A4. In all cases the incident must be reported to the Duty Manager and recorded using the Company's Incident Report Form and forwarded in the usual manner.
- A5. Any un-played credits remaining on the machine should be refunded. A record should be kept of the value of any winnings on the machine. These will only be paid to the person concerned if they provide their name, address and signature before leaving the premises and return within 48 hours with appropriate ID showing they are over 18. Monies paid for un-played credits and, where appropriate, winnings should be recorded in the Sundry Claim log book and signed for by the person receiving the money. This will be presented to the collector in the normal way to allow repayment of money paid out of your till.
- If the person playing is an employee:*
- The above procedure remains the same but in addition the normal disciplinary procedures should be applied.

This page is intentionally left blank

**Training Record Form for a Server of Alcohol
Licensing Act 2003 and the Supervision of Gaming Machines and Tobacco
Purchases**

There are strict laws and company rules concerning the sale of alcohol, tobacco and the playing of gaming machines. This form is designed to ensure that you understand your responsibilities. You must therefore sign this form before you are allowed to serve alcohol and have been trained in respect of tobacco products and gaming machines.

Breaking the law can result in heavy fines and the loss of our licences. At the very least, in the event of the authorities discovering that you have served alcohol to someone under the age of 18 or someone who is drunk, you could be issued with an £80 fixed penalty notice which would be your personal responsibility to pay. A conviction for any of the matters listed below not only leaves you with a criminal record but may also prevent you from becoming a personal licence holder in the future. In addition, if you do not comply with these rules disciplinary action may be taken against you which could result in the loss of your job.

It is essential that if you do not understand any of these instructions or require further information that you discuss the matter with your Manager.

1. Do not sell alcohol to anybody who is under 18. If you are in any doubt about their age simply do not sell alcohol to them. If a customer looks under 21 you must ask for identification. The only acceptable forms of identification are an international passport, a UK photo card driving licence and a PASS Scheme proof of age card.
2. Do not sell alcohol to anybody who you suspect is drunk. In addition, you should not sell to anyone whom you believe to be purchasing on behalf of an individual who is drunk or appears to be drunk. If you suspect that someone is drunk then inform the Manager immediately.
3. Do not serve alcohol outside the hours listed on your premises licence. You must also make sure that drinking up is completed within 30 minutes.
4. You must be aware of any conditions which are attached to the licence for your premises and abide by them.
5. Always ensure that you serve a correct measure. It is an offence to give an under measure.
6. It is forbidden and against the law to smoke anywhere within the trading premises.
7. It is against the law for anyone under the age of 18 to purchase tobacco products such as cigarettes; if a customer looks under 21 you must ask for identification.
8. It is against the law for anyone under the age of 18 to play on Category C gaming machines, or for anyone to permit or participate in such play, and their use must therefore be supervised; if a player looks under 21 you must ask for identification.
9. Hand wash basins must be only used for hand washing and should always contain soap, hot water, nail brush and a supply of hand towels.

These requirements must be observed at all times. Both you and the company can be prosecuted if they are not adhered to and if you are found guilty of an offence you may receive a criminal conviction and/ or a fine.

I can confirm that I have received training in all the above matters and have read and understood the details of these instructions.

Person trained

Name _____ Date _____ Signed _____

I am satisfied that the above named person fully understands the content of this instruction and that they are competent to sell alcohol in accordance with the law and have been trained in respect of tobacco purchases and gaming machines.

Personal licence holder

Name _____ Date _____ Signed _____

**Training Record Form for a Server of Alcohol
Licensing Act 2003 and the Supervision of Gaming Machines and Tobacco
Purchases**

Continued

Person (s) trained

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

Name _____ Date _____ Signed _____

I am satisfied that the above named person(s) fully understand the content of this instruction and that they are competent to sell alcohol in accordance with the law and have been trained in respect of tobacco purchases and gaming machines.

Personal licence holder

Name _____ Date _____ Signed _____