

Report of	Meeting	Date
Director of Director of Public Protection, Street Scene and Community	Licensing Act 2003 Sub-Committee	28 April 2016

THE GAMBLING ACT 2005; APPLICATION FOR A GAMING MACHINE PERMIT FOR MORE THAN 2 GAMING MACHINES

PURPOSE OF REPORT

- To bring to the attention of Members an application received from Regal Amusement Machines Ltd, on behalf of Amber Taverns in respect of an application for a Gaming Machine Permit for more than two gaming machines in relation to a premise licensed under the Licensing Act 2003 known as the Black Horse at Westhead Road Croston.

RECOMMENDATION(S)

- Members are recommended to consider the contents of the report and any representations made by the representative of Amber Taverns and determine whether or not to grant the application.

EXECUTIVE SUMMARY OF REPORT

- Regal Amusement Machines Ltd made application under Schedule 13 of the Gambling Act 2005, for a Gaming Machine Permit for two or more gaming machines on behalf of Amber Taverns being the premises licence holder for the Black Horse at Westhead Road Croston. The application is attached as **Appendix 1**. The Council's Statement of Gambling Policy states, that each application will be determined on a case by case basis. The Council's scheme of delegation does not authorise officers to determine such applications for more than 2 category C or D gaming machines.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- The Council has received an application made under Schedule 13 of the Gambling Act 2005 for more than two gaming machines for the public house now known as the Black Horse at Westhead Road Croston. The premises benefits from a Premises licence issued under Section 17 of the Licensing Act 2003 authorising the sale of alcohol, this

authorisation is a pre-requisite to enable the above application. The Premises Licence PLA 0041 and Plan attached as **Appendix 2**, indicates the location of the two existing Gaming Machines, the application does not include a updated plan to indicate the location of any additional machines.

6. Officers attended the premises on 15th March 2016 to assess the suitability of the premises to accommodate additional gaming machines in line with the application received. One of the existing Gaming Machines (A) is compromised in terms of being able to be monitored at any time, as it is not in clear sight of the bar and the CCTV is not sufficient to provide any meaningful provision to supervise its use. The DPS was offered words of advice in relation to the sighting of this machine at the time of the visit. The second Gaming Machine (B) is sited at the furthest point from the bar that it could be and is adjacent to the rear door of the premises, although it is within clear sight of the bar, it could be easily obscured by patrons, and be vulnerable to attack due to its location. The premises offers better opportunities to site the existing machines in different locations, that would enable better monitoring opportunities than currently exist, these were discussed with the DPS at the time of the visit. The DPS did not propose any additional areas to locate any additional gaming machines.
7. Where a premises wishes to have more than two machines, then it must apply for a Gaming Machine permit where the licensing Authority will consider that application based upon the licensing objectives, the statutory guidance, and such matters as they think relevant. Members should be satisfied that the granting of the said permit will not undermine the licensing objectives and that the applicant is aware of the positive steps required to promote the licensing objectives. This Authority considers that such applications will be decided on a case-by-case basis, but generally there will be regard for the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that those under 18 year olds do not have access to the adult only gaming machines. Such measures may include the adult machines being in sight of the bar, and in the sight of staff that are able to monitor the machines are not being used by those under the age of 18. Additionally, notices and signage may also be of assistance. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as Game Care. It is important that staff are able to see if the machines are being played by any adults with a gambling problem.
8. In determining this matter Members shall have consideration for the following provisions;

Chorley Council's Statement of Gambling Policy. Attached as **Appendix 3**.

Members are reminded of the Gambling Act 2005 licensing objectives which 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.
8. The Gambling Commission's published Code of Practice provides the requirements that must be complied with by the Gambling Machine Permit Holder. The document is attached at **Appendix 4**. The guidance is applicable to all licensed premises in relation to any number of gaming machines that are provided.

Members' attention is drawn to the committee's discretion in determining this matter which is prescribed within Schedule 13 Section 283 of the Gambling Act 2005 which states they may;

- a) Grant the application,
- b) Refuse the application,

- c) Grant it in respect of;
 - 1) A smaller number of machines than that specified in the application,
 - 2) A different category of machines from that specified in the application, or
 - 3) Both.
- d) Members may not attach conditions to a permit.

9. The applicant in respect of this application has been invited to attend the hearing and make representation.

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

- 11. Under Schedule 13 of the Gambling Act 2005 members must have regard to the licensing objectives contained in the Gambling Act 2005, national guidance issued by the Gambling Commission (the latest edition was published in September 2015) and such other matters as they think are relevant. It would be reasonable for members to have regard to the Council's own statement of gambling policy.
- 12. Other relevant considerations would be the location of the proposed machines so that staff could clearly see minors or problem gamblers attempting to play the machines and intervene. Also the location is a relevant consideration for fire safety.
- 13. Provisions of the Human Rights Act 1998 are relevant to the application, including but not limited to Article 1, Protocol 1 (peaceful enjoyment of possessions) and Article 6 (right to a fair hearing).
- 14. In the event that the application is granted in whole or in part then under section 282 of the Gambling Act 2005 the location and operation of the machines must be in accordance with any relevant Code of Practice issued by the Gambling Commission.
- 15. The applicant has a right of appeal to the magistrates' court within 21 days of receiving notice of the decision to (i) reject the application or (ii) grant an application for a smaller number of machines than that specified in the application or a different category of machines from that specified in the application (or both)

Jamie Carson
 Director of Public Protection, Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
S Culleton	5665	6 th April 2016	NA