

Report of	Meeting	Date
Director (Early Intervention and Support)	Licensing Act 2003 Sub-Committee	3 May 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 Poppleston Allen Solicitors, on behalf of Stonegate Pub Company Limited 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 Prince of Wales, New Market St Chorley.

RECOMMENDATION(S)

- Members are recommended to consider the contents of the report and any representations made by the representative of Stonegate Pub Company Limited and determine whether or not to grant the application.

EXECUTIVE SUMMARY OF REPORT

- Poppleston Allen Solicitors made application under Schedule 13 of the Gambling Act 2005, for a Gaming Machine Permit for two or more gaming machines on behalf of Stonegate Pub Company Limited being the premises licence holder for The Prince of Wales, New Market St Chorley. 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

5. 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 Prince of Wales, New Market St Chorley. 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 are attached as **Appendix 2**, this indicates the location of the existing Gaming Machines, the application does not include a updated plan to indicate the location of any additional machines. The premises benefits from an existing Gaming Machine Permit for 3 category C machines.
6. Officers attended the premises on 21 April 2016 to assess the suitability of the premises to accommodate additional gaming machines in line with the application received.
7. Officer can report that at the time of the inspection the Designated Premises Supervisor (DPS) was unaware of the Application for 1 additional Gaming Machine, he expressed a view that it would be in his opinion difficult to accommodate further machines. There were no additional notices or leaflet information available to inform customers of gambling problems. Two of the existing Category 3 Machines (A & B) were sited in a position that did not offer direct supervision at any time and were potentially exposed to attack as they are sited next to a fire exit. 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 propose to re-locate the existing gaming machines, the locations are indicated on the Plan Appendix 2, as (A1 & B1). Machine © is suitably sited. Members will note that the premises has at some time in the past undergone extensive changes to the interior of the premises, that would cause the Premises Licence to be varied, the Council has no record that an application has been received to vary the said licence, there for the current plan of the premises is not representative of the current internal layout.
8. The Plan attached at Appendix 2 highlights the position of the existing 3 Category C Machines and 1 Skills Machine and highlights alternative sites that would offer better supervision.
9. Officers offered words of advice to the DPS at the time of the inspection in relation to the siting of 2 of the Gaming Machines, highlighted that there is no available information as to the dangers of, or help in relation to gambling issues.
10. 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.

11. 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.

12. 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.

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

IMPLICATIONS OF REPORT

14. 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

15. 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 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.

16. 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.

17. 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).
18. 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.
19. 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 (EARLY INTERVENTION AND SUPPORT)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Mr S Culleton	5665	20 April 2016	N/A