

AGENDA

Regulatory Sub Committee

Date: **Monday 18 January 2016**

Time: **2.00 pm**

Place: **The Shire Hall, St Peter's Square, Hereford, HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Clive Lloyd, Governance Services

Tel: 01432 260249

Email: clive.lloyd@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor DW Greenow
Councillor MT McEvelly
Councillor AR Round

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
3. APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT FROM 3 TO 4 IN RESPECT OF 'THE GRANDSTAND, GRANDSTAND ROAD, HEREFORD. HR4 9NH' - GAMBLING ACT 2005 To consider an application for the variation of a Licensed Premises Gaming Machine Permit from 3 to 4 machines in respect of 'The Grandstand', Grandstand Road, Hereford, HR4 9NH.'	9 - 24

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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Licensing Hearing Flowchart





Meeting:	Regulatory Sub-Committee
Meeting date:	18 JANUARY 2016
Title of report:	APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT FROM 3 TO 4 IN RESPECT OF 'THE GRANDSTAND, GRANDSTAND ROAD, HEREFORD. HR4 9NH' – GAMBLING ACT 2005
Report by:	LICENSING OFFICER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Hereford

Purpose

To consider an application for the variation of a Licensed Premises Gaming Machine Permit from 3 to 4 machines in respect of 'The Grandstand', Grandstand Road, Hereford, HR4 9NH.'

Recommendation

THAT Sub-Committee determine the variation with a view to promoting the 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.

The committee should also take into consideration

- The ‘Guidance to Licensing Authorities 4th Edition’ issued by the Gambling Commission
- Herefordshire Council Gambling Policy
- Code of practice for gaming machines in clubs and premises with an alcohol licence’ issued in August 2014 by the Gambling Commission

Options

1. (a) grant the application,
(b) refuse the application, or
(c) grant it in respect of—
 - (i) a smaller number of machines than that specified in the application,
 - (ii) a different category of machines from that specified in the application,
or
 - (iii) both.

Reasons for Recommendations

2. Ensures compliance with the Gambling Act 2005.

Key Considerations

3. Licence Application

The details of the application are:

Applicant	Green King Retailing Ltd Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT
Solicitor	N/K
Type of application:	Variation to existing Gaming Machine Permit

5. Summary of Application

The application is to add a further one machine of Category D to the existing permit.

In accordance with the powers of delegation such application cannot be determined by an officer but only by the Licensing Committee for the Authority.

6. A plan of the proposed locations of the machines is attached within the background papers.

7. A policies statement is also included to address those matters covered within the 'Code of practice for gaming machines in clubs and premises with an alcohol licence' issued in August 2014 by the Gambling Commission.
8. The matter is therefore brought before Committee for determination.

Community Impact

9. Any decision is unlikely to have any impact on the local community.

Equality duty

10. There are no equality or human rights issues in relation to the content of this report.

Financial implications

11. There are unlikely to be any financial implications for the authority at this time.

Legal Implications

12. Schedule 13 of the legislation states that:
 - 5
 - (1) A licensing authority may not attach conditions to a permit.
 - (2) As soon as is reasonably practicable after granting an application, a licensing authority shall issue a permit to the applicant.
 - (3) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—
 - (a) the refusal, and
 - (b) the reasons for it.
 - 6
 - (1) A licensing authority may grant an application under this Schedule only if the applicant holds an on-premises alcohol licence.
 - (2) A licensing authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, unless they have—
 - (a) notified the applicant of their intention to refuse the application, or grant the application in respect of—
 - (i) a smaller number of machines than that specified in the application,
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both, and
 - (b) given the applicant an opportunity to make representations.
 - (3) A licensing authority may satisfy sub-paragraph (2)(b) by giving the applicant an opportunity to make—
 - (a) oral representations,
 - (b) written representations, or
 - (c) both.
 - (4) Sub-paragraph (2)(b) shall not apply in respect of a refusal if the refusal was by virtue of sub-paragraph (1).

13. **Right of Appeal**

- 21 (1) The applicant for or holder of a permit may appeal if the licensing authority
- (a) reject an application for a permit,
 - (b) grant an application for a permit in respect of 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), or
 - (c) give a notice under paragraph 16.
- (2) An appeal under this paragraph must be instituted—
- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.

Risk Management

14. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

Appendices

- a. Application Form
- b. Plan of Premises
- c. Greene King correspondence
- d. 'Code of practice for gaming machines in clubs and premises with an alcohol licence' issued in August 2014 by the Gambling Commission'.

Background Papers

None.

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Please refer to guidance notes at the back of this form before completing.

To: Licensing Department Herefordshire Council Plough Lane Hereford HR4 0LE	EH & TS / LICENSING SECTION RECEIVED 06 NOV 2015
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SECTION A – What do you want to do? 1. Please indicate what you would like to do a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D <i>(if you choose this option then please complete sections D and E)</i> b) Apply to convert an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines) <i>(if you choose this option then please complete sections B, D and E)</i> c) Apply for a new licensed premises gaming machine permit <i>((if you choose this option then please complete sections B, D and E)</i> d) Apply to vary an existing licensed premises gaming machine permit <i>(if you choose this option then please complete sections B, D and E)</i> e) Apply to transfer an existing licensed premises gaming machine permit <i>(if you choose this option then please complete sections C, D and E)</i>	TO: <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
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SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications) 2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table) <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 5px;">Category machine</th> <th style="padding: 5px;">Number currently authorised to provide</th> <th style="padding: 5px;">Number wish to provide (new or variation)</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">C</td> <td style="padding: 5px;"></td> <td style="padding: 5px;">3</td> </tr> <tr> <td style="padding: 5px;">D</td> <td style="padding: 5px;"></td> <td style="padding: 5px;">1</td> </tr> <tr> <td style="padding: 5px;">TOTAL</td> <td style="padding: 5px;"></td> <td style="padding: 5px;">4</td> </tr> </tbody> </table> 3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided. <div style="text-align: right; margin-right: 20px;">Existing permit provided* <input type="checkbox"/></div> <p><i>(reasons why existing permit cannot be provided)</i></p> <p>.....</p> <p>.....</p>	Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C		3	D		1	TOTAL		4	
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)											
C		3											
D		1											
TOTAL		4											

*Please keep a copy of your existing permit on the premises to which it relates.

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

<p>Section C – Application for permit <u>transfer</u> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p>	
<p>4. Name of person requesting the transfer</p> <p>.....</p>	
<p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p>	<p>Requested <input type="checkbox"/></p> <p>Granted <input type="checkbox"/></p>
<p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p>	<p>Existing permit provided <input type="checkbox"/></p>
<p>Reasons why existing permit cannot be provided</p> <p>.....</p> <p>.....</p>	

Section D – General Information

7. Name of Premises Grandstand.....

8. Address of Premises Grandstand Road, Hereford, HR4 9NH.....

.....

9. Telephone number of Premises.....

10. Name of existing Premises Licence holder
Greene King.....

11. Address of Premises Licence holder (if different from 8 above)
Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT.....

.....

12. Telephone number (daytime) of Premises Licence holder

.....

13. E-mail address of Premises Licence holder (where available)

.....

14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant
Regal Amusement Machine Sales Ltd (t/a Regal Gaming And Leisure), 139 Brookfield Place, Walton Summit Centre, Bamber Bridge, Preston, Lancashire, PR5 8BF
01772 694268
erica.hamilton.....

15. Licensing Act 2003 Premises Licence Reference (i.e. number)

.....

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Section E – Fee and Signature(s)

I enclose a sum of (£ .100,00.) (cheques should be made payable to*



I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated 3rd November 2015

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder)..

Print Name Erica Hamilton

* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £150 for new applications and £100 for Section 34 (Gaming Act 1968) holders.

Official Use Only

Date of receipt:

Signature and name of staff who received:

Date of receipt of fee:

Signature and name of staff who received fee:

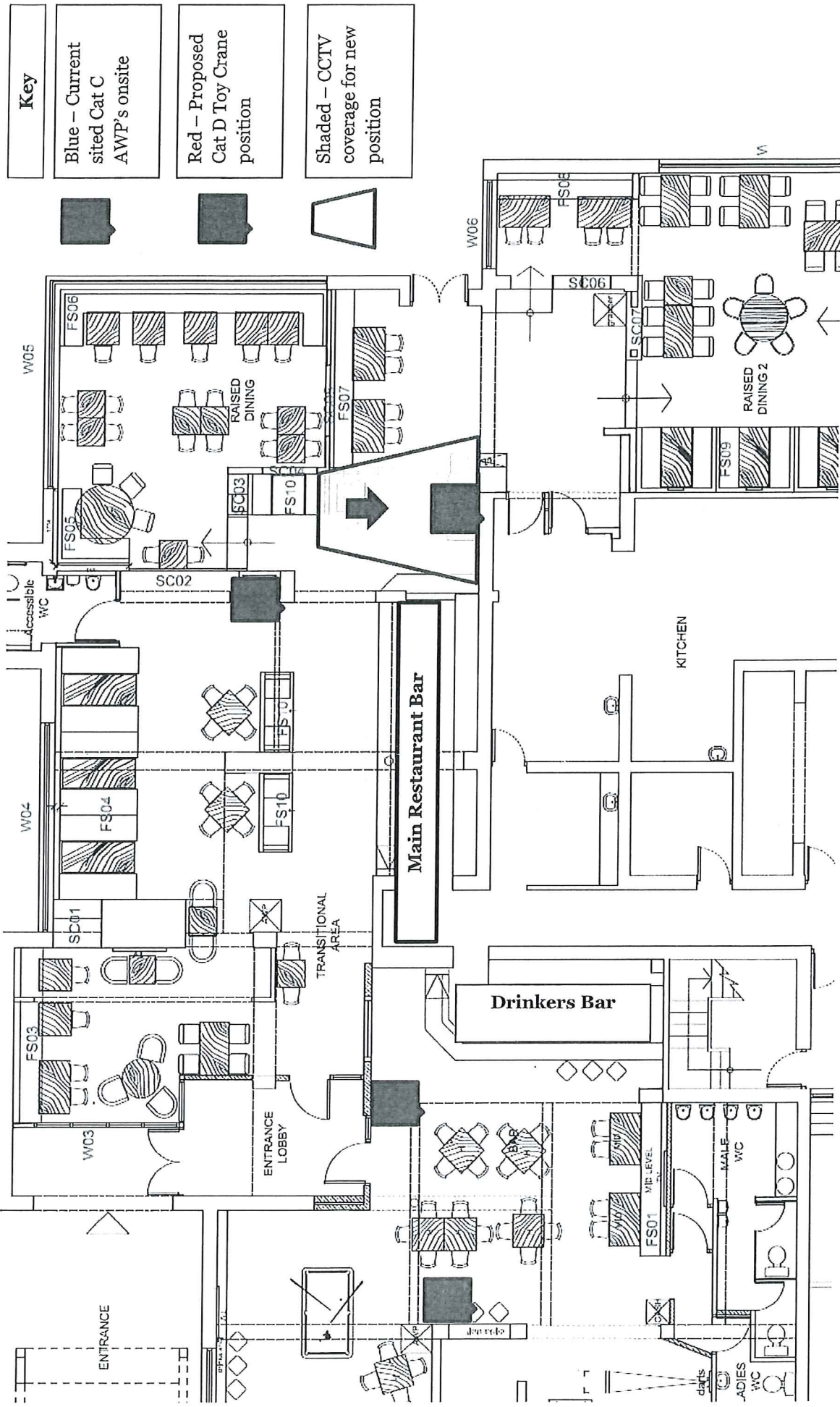
Application accepted / returned (please delete as appropriate)




Date of premises licence (Licensing Act 2003) transfer (if applicable):

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER**

Guidance notes:

1. This form is to be used for the **notification of up to 2 gaming machines** of categories C and / or D under Section 282 of the Gambling Act 2005, or for the **conversion of an existing Section 34 gaming machine permit** under the Gaming Act 1968, or for a **new application, variation or transfer** of a alcohol licensed premises gaming machine permit under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines which may be applied for although the licensing authority has some discretion in this regard. It should also be noted that the licensing authority can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (Schedule 13 paragraph 16 Gambling Act 2005). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether application for certain numbers of machines are decided via a hearing of local councillors.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable by and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50. There are no annual fees payable for 2 machines or less.
7. Sections 282 and 283, as well as SI 2007 / 2158 of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:
 - Category C: Maximum stake = 50p / Maximum prize = £35
 - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. **All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005.** The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/UploadDocs/Contents/Documents/Gaming%20Machine%20Permits%20Code%20of%20Practice.pdf> Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission or your local Council licensing service.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.
10. Where you are notifying the local licensing authority of 2 machines or less, you may wish to request an acknowledgement of receipt of the notification. The form attached to this application can be utilised for this purpose.



Key	
	Blue – Current sited Cat C AWP's onsite
	Red – Proposed Cat D Toy Crane position
	Shaded – CCTV coverage for new position

To: Hereford Council Licensing Dept

Date: Monday 26th October 2015.

Re: Permit Application at the Grandstand, Grandstand Road, Hereford, HR4 9NH

Dear Fred Spriggs,

I enclose a plan showing the proposed position of the additional **Category D Crane** (noted as Red on plan).

The Grandstand currently has 3 Cat C AWP's which are all made available for customer use, in keeping with the licencing objectives of the Gambling Act and the Gambling Commissions Licenced Codes and Conditions of Practice. **In addition to this we are applying for this additional permit to install a Cat D Crane into site.**

We are fully aware of our responsibilities to adequately supervise all gaming machines and to this effect we have adopted the following procedures:

- All gaming machines are fully supervised by means of either being in line of sight from the bar, being covered by CCTV and by staff frequently being active in the area in which gaming machines are placed.
- All additional Category C & D gaming machines will be supervised by means of the Bar staff in the area & also CCTV.
- All staff, have been trained that no person under the age of 18 may play a gaming machine, in the Grandstand we have in place a think 21/ 25 policy. **In terms of Cat D permits, this enables all ages to play the toy crane, with no U18 restriction, due to the nature of the machine.**
- All staff are trained that if someone who appears under the age of 21 / 25 attempts to play a gaming machine they must be challenged and asked to produce ID. Acceptable ID includes a passport, photo driving licence or PASS card. Anyone who appears under 21 / 25 who cannot produce appropriate ID is prevented from playing on a gaming machine.
- All of the category C gaming machines installed at our premises have clear signage to show they are not to be used by under 18's and also have details of where a customer may get help should they develop a problem with gambling.
- All gaming machines are positioned so that a customer playing them must cease doing so should they wish to use the ATM.

To date we have not have an instance of a customer requesting that they are self-excluded from our premises.



Craig Taylor
Machines Manager – Greene King

Code of practice for gaming machines in clubs and premises with an alcohol licence

For club gaming permits, club machine permits and alcohol licensed premises

August 2014

1 For club gaming permits, club machine permits and alcohol

This is the Commission's Code of Practice issued under section 24 of the Gambling Act 2005 (the Act) relating to provision of facilities for gaming machine gambling in accordance with club gaming, club machine and alcohol licensed premises permits. This includes:

- Registrations under Parts II and III of the Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively
- Club gaming and club machine permits issued under the Club Gaming and Club Machine Permits (Scotland) Regulations 2007
- Premises which have a licence issued by a Licensing Board under section 26(1) or 47(2) of the Licensing (Scotland) Act 2005 authorising the sale of alcohol on the premises.

Code provision 1.1

Club gaming permits, club machine permits and alcohol Gaming machines in clubs and premises with an alcohol licence

- 1 Compliance with the code of practice should be the responsibility of a designated person:
 - in pubs in England and Wales: the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence)
 - in premises which are licensed to serve alcohol for consumption on the premises under the relevant Scottish licence: the premises manager (which the Licensing (Scotland) Act 2005 requires as a condition of the premises licence), or,
 - where an occasional licence is held, a responsible person designated by the holder of the licence
 - in clubs in England and Wales:
 - if an alcohol licence is held, the designated premises supervisor
 - if no alcohol licence is held, a responsible individual to be nominated by the club management or other governing body elected by the members
 - in clubs in Scotland:
 - for a qualifying club under the Licensing (Clubs) (Scotland) Regulations 2007 (SI No 76 of 2007) a person nominated by the club management committee, or other governing body elected by the members, and who is trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007
 - for a qualifying club operating under an occasional licence a responsible person to be nominated by the club management committee or other governing body elected by the members
 - the name and contact details of the nominated person should be made available to the clerk of the relevant licensing board.

2 Location and operation of machines

All permit holders

Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.¹

Code provision 2.1

Location and operation of machines

All permit holders

- 1 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.
- 2 Permit holders must have in place arrangements for such supervision.
- 3 All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machines in order to do so. 'ATM' means a machine located on the premises, which enables a person using it to obtain cash by use of a credit or debit card.

3 Access to gambling by children and young persons

Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.

Code provision 3.1

Access to gambling by children and young persons

All permit holders

- 1 Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
 - checking the age of those who appear underage
 - refusing entry to anyone unable to produce an acceptable form of identification.
- 2 Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
 - Permit holders should only accept identification which:
 - contains a photograph from which the individual can be identified
 - states the individual's date of birth
 - is valid
 - is legible and has no visible signs of tampering or reproduction.
- 3 The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.

¹ Compliance with these provisions is a condition of the relevant permit as a result of the Gambling Act 2005: section 271 for Club Gaming Permits, section 273 for Club Machine Permits, section 282 for alcohol licensed premises using their automatic machine permissions and section 283 for licensed premises Gaming Machine Permits and alcohol licensed premises Gaming Machine Permits.

Code provision 3.2

Access to gambling by children and young persons

All permit holders

- 1 Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Commission and the police, and making available information on problem gambling.

4 Complaints and disputes

Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.

Code provision 4.1

Complaints and disputes

All permit holders

- 1 Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises
- 2 A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
 - a) is not resolved at the first stage of the complaints procedure, and
 - b) relates to the outcome of the complainant's gambling transaction.
- 3 Permit holders should ensure that:
 - customers are told the name and status of the person to contact about their complaint
 - customers are given a copy of the complaints procedure on request or on making a complaint
 - all complaints are handled in accordance with the procedure.

Gambling Commission August 2014

Keeping gambling fair and safe for all

For further information or to register your interest in the Commission please visit our website at:
www.gamblingcommission.gov.uk

Copies of this document are available in alternative formats on request.

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Gambling Commission August 2014
ADV 14/07

