

THE KINGS ARMS (TBK THE KINGS ARMS AND POPWORLD AT THE KINGS ARMS)

APPLICATION TO VARY A GAMING MACHINE PERMIT IN LICENSED PREMISES

DECISION NOTICE OF LICENSING ACT SUB-COMMITTEE

FRIDAY, 2 NOVEMBER 2018

The Sub-Committee comprised Councillors Kevin Frea (Chairman), Ian Clift and Peter Yates.

The Legal Adviser was Rephael Walmsley.

The Democratic Support Officer was Jane Glenton.

For the Applicant Mr. Craig Southall, Area Manager, and Adam Hulme, Manager.

This was a Licensing Act Sub-Committee hearing to consider The Kings Arms' application for a Gaming Machine Permit. The application was considered by the Licensing Act Sub-Committee under Section 283 and Schedule 13 of the Gambling Act 2005 (the 2005 Act). Section 283 permitted the licensing authority to issue a permit authorising a person to make gaming machines (Category C or D (or both) available for use on licensed premises, the licensed premises being The Kings Arms (TBK The Kings Arms and Popworld at the Kings Arms), 248-250 Marine Road, Morecambe, LA4 4BJ.

The Kings Arms currently had a Gaming Machine Permit for x 4 Category C gaming machines. They now made an application to vary their existing permit to enable them to make available for use on their premises x 1 Category D and x 5 Category C machines. The Licensing Authority was able to vary the existing licence pursuant to Schedule 13 (15) of the 2005 Act.

The Application was submitted to the Licensing Authority on 19 September 2018 and received by officers on 21 September 2018. The required fee of £100 had been paid by the Applicant.

In considering whether the Applicant's permit should be varied the Sub-Committee was required to have regard to the licensing objective, the Gambling Commission's Guidance issued under Section 25 of the 2005 Act and "such other matters as they thought relevant". The licensing objectives were defined by Section 1 of the Act as:

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used in 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 Council's Statement of Gambling Policy (January 2016) provided (paragraph 20.3) that the licensing authority will consider any "such (other) matters as they think relevant"

on a case by case basis.

Decision

The Sub-Committee received the report of the Principal Licensing Officer and heard representations by Mr. Craig Southall, Area Manager, and Adam Hulme, Manager, for the Applicant.

Having carefully considered the application received and the Applicant's submissions with regard to the measures they were to put in, Members were satisfied that the Applicant's permit should be amended so as to permit (as requested) the use of x 5 Category C Gaming Machine and x 1 Category D gaming machines to be used in the premises.

In reaching this conclusion, Members had particular regard to the licensing objectives, the Gambling Commission's guidance to licensing authorities and the Council's Statement of Gambling Policy. In all the circumstances, Members found that in granting the application, the licensing objectives would not be undermined.

**Any queries regarding this Decision Notice, please contact
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