



Committee: LICENSING ACT SUB-COMMITTEE

Date: FRIDAY, 2 NOVEMBER 2018

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

1. **Application to Vary a Gaming Machine Permit in Licensed Premises - The Kings Arms (TBK The Kings Arms and Popworld at the Kings Arms) (Pages 1 - 19)**

Determination of Application for 6 Gaming Machines to be sited within the premises

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Kevin Frea (Chairman), Ian Clift and Peter Yates

(ii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone: (01524) 582068 or email jglenton@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Wednesday, 24 October 2018.

LICENSING ACT SUB-COMMITTEE**Application to Vary a Gaming Machine Permit in Licensed Premises – The Kings Arms (TBK The Kings Arms and Popworld at the Kings Arms)
2 November 2018****Report of Principal Licensing Officer****PURPOSE OF REPORT**

For Members to determine an application received from Poppleston Allen Solicitors on behalf of the Kings Arms (TBK The Kings Arms and Popworld at the Kings Arms), 248-250 Marine Road, Morecambe to vary the number of gaming machines permitted to be sited within the premises.

This report is public.

RECOMMENDATIONS

- (1) That Members determine the application in line with the Council's scheme of delegation and Statement of Gambling Policy, and with regard to the relevant legislation and codes of practice.
- (2) That Members consider the options available to them.

1.0 Introduction

- 1.1 The Licensing Authority has received an application for a Gaming Machine Permit from Poppleston Allen Solicitors on behalf of the Kings Arms under Sch.13 of the Gambling Act 2005 ("the Act") for 6 gaming machines to be sited within the premises.

Details of the application for a Gaming Machine Permit are set out in the application form, which is attached as **Appendix 1** to this report.

- 1.2 The Kings Arms benefits from a Premises licence issued under s.17 of the Licensing Act 2003 authorising the sale of alcohol and has an automatic entitlement to make available 2 gaming machines (Category C or D).
- 1.3 For Members' information, Category C gaming machines allow a maximum stake of £1 and a maximum prize of £100. Category D gaming machines allow a maximum stake of 10p and a maximum prize of £5 cash. Category D machines also include crane grabbers and penny fall machines. The maximum stake is £1 and the prize is up to £10 cash and £50 non-monetary prizes.

- 1.4 To take advantage of this entitlement, premises licence holders must give notice to the Licensing Authority and pay the prescribed fee (currently £50). The Licensing Authority has no discretion in this situation.
- 1.5 Where a premises wishes to have more than 2 gaming machines, it needs to apply for a Gaming Machine Permit. The Council's Statement of Gambling Policy states that each application will be determined on a case by case basis. A copy of the relevant parts of the Council's Statement of Gambling Policy is attached at **Appendix 2**.
- 1.6 The Council's scheme of delegation does not authorise officers to determine applications where the application is for more than 4 gaming machines.

2.0 Proposal Details

- 2.1 As the application is for the siting of 5 category C and 1 category D machines, it is necessary to bring the application before the Committee for decision.
- 2.2 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.
- 2.3 The Act contains 3 licensing objectives which are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 The Licensing Authority can only have regard to these objectives when carrying out their functions under the Act.
- 2.5 The Gambling Commission's published Code of Practice provides the requirements that must be complied with by the Gambling Machine Permit Holder. This document is attached at **Appendix 3**.
- 2.6 The Licensing Officer was unable to visit the premises, due to the ongoing refurbishment. It is intended that the Licensing Officer visit the premises when they re-open to ensure compliance with the Code of Practice.
- 2.7 In accordance with the relevant Regulations, the parties have been given Notice of the Hearing. A copy of the Notice is attached for Members' attention at **Appendix 4**.

3.0 Details of Consultation

- 3.1 A representative of the Kings Arms has been invited to the Licensing Act Sub-Committee to discuss the application.
- 3.2 The Licensing Authority has consulted with Lancashire Police who have confirmed they have no objection to the application.

4.0 Options and Options Analysis (including risk assessment)

4.1 The options available to members, as outlined in sch.13(4)(2) of the Act, are:

- a) grant the application; or
- b) refuse the application; or
- c) 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 (i) and (ii).

4.2 A licensing authority may not attach conditions to a permit (sch.13(5)(1).

4.3 If Members decide to refuse the application, the applicant shall be notified of the refusal and the reasons for it (sch.13(5)(3)(a) and (b).

4.4 Sch. 13(6)(2) requires that, if Members are minded to refuse the application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, they must 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.

This requirement is satisfied by giving the applicant the opportunity to make oral or written representations, or both.

5.0 Conclusion

5.1 Members should determine the application made by Poppleston Allen Solicitors on behalf of the Kings Arms to site 6 gaming machines within the premises in line with the Council's scheme of delegation and have regard to the relevant legislation and codes of practice. Members should also consider the options available to them.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

All licence holders have a right to a fair and public hearing.

One of the Licensing Objectives in the Gambling Act 2003 states that the legislation is in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

FINANCIAL IMPLICATIONS

A decision of a Licensing Act Sub-Committee made under this section may be appealed to the Magistrates' Court. If successful, the costs would have to be met by the Council.

LEGAL IMPLICATIONS

The application meets the requirements of s.283 and sch.13 Gambling Act 2005.

In the event that the application is granted in whole or in part, 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.

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).

BACKGROUND PAPERS

None

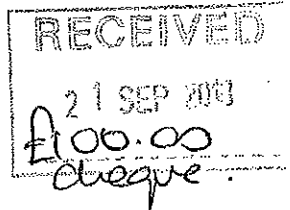
Contact Officer: Jennifer Curtis

Telephone: 01524 582732

E-mail: jcurtis@lancaster.gov.uk

Ref: JCGMP

PopplestonAllen



The Licensing Officer
Licensing Department
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

APPENDIX 1

Date: 19 September 2018
Our ref: MLP/MLP/L.11642-17429
Doc Ref: 2146600239
Your ref:
E-mail: m.peach@popall.co.uk
Direct line: 0115 953 8509

Dear Sirs

**Kings Arms (TBK The Kings Arms and Popworld at the Kings Arms), 248-250 Marine Road, Morecambe
LPGMP Vary**

We enclose application for variation of a Licensed Premises Gaming Machine Permit in respect of the above premises, together with our cheque for £100.00 being the requisite fee.

Should you have any queries in relation to the enclosed we should be grateful if you would kindly contact the writer on the number above.

Please acknowledge safe receipt of this letter and the relevant enclosures.

Yours faithfully

A handwritten signature in cursive that reads "Poppleston Allen".

Poppleston Allen

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27/9/18 - Email sent re clarification

Partners • James R D Anderson Ltd • Nick Arron Ltd • Graeme Cushlon Ltd • Clare Eames Ltd • Andy Grimsey Ltd • Lisa Inzani Ltd
Lisa Sharkey Ltd • Jonathan M Smith Ltd • Associates • Steve Burnett • Hannah Price • Sarah Taylor
37 Stony Street, The Lace Market, Nottingham NG1 1LS • T 0115 953 8500 • F 0115 953 8501 • W popall.co.uk • DX 10100 Nottingham
Office also in London

Authorised and Regulated by the Solicitors Regulation Authority (SRA no. 78244)

Lancaster City Council

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 LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
Please refer to guidance notices at the back of this form before completing

SECTION A – What do you want to do	
1. Please indicate what you would like 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 please complete sections D and E)</i>	<input type="checkbox"/>
b) Apply to convert an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (ie for more than 2 gaming machines) <i>(if you choose this option then please complete sections B, D and E)</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input checked="" type="checkbox"/>
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>	<input type="checkbox"/>

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 provided? (please complete the boxes in the table)		
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	4	5
D		1
TOTAL	4	5
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. Existing permit provided *		<input checked="" type="checkbox"/>
<i>(reasons why existing permit cannot be provided)</i> N/A		

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

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

<p>SECTION C – Application for permit transfer (ie, 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>SECTION D – General Information</p> <p>7. Name of Premises: Kings Arms (TBK The Kings Arms and Popworld at the Kings Arms)</p> <p>8. Address of Premises: 248-250 Marine Road, Morecambe, LA4 4BJ</p> <p>9. Telephone number of Premises: 01524 410006</p> <p>10. Name of existing Premises Licence holder: Stonegate Pub Company Limited</p> <p>11. Address of Premises Licence holder (if different from 8 above): Porter Tun House, 500 Capability Green, Luton, LU1 3LS</p> <p>12. Telephone number (daytime) of Premises Licence holder: 0845 126 2944</p> <p>13. E-mail address of Premises Licence holder (where available): licensing@stonegatepubs.com</p> <p>14. Name, address, telephone and e-mail of agent (eg Solicitor) if submitted on behalf of the applicant:</p> <p>Michelle Peach, Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS Tel : 0115 953 8509 Email : m.peach@popall.co.uk</p> <p>15. Licensing Act 2003 Premises Licence Reference (ie number): LAPLWA0442</p>
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Lancaster City Council

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 LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
Please refer to guidance notices at the back of this form before completing

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: 19 September 2018

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

Print Name: Poppleston Allen – Solicitors for & on behalf of the applicant

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)

Lancaster City Council
**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 £50.00. There are no annual fees payable for 2 machines or less.
7. Sections 282 and 283, as well as SI 2007 / of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:
 - a category C gaming machine has a maximum cash stake £1.00 and prize £70
 - A category D gaming machines can have different maximum stake and prizes depending on the type of machine:-
 - Where the prize is money the maximum stake 10p and cash prize £5.
 - Where the prize is not money the maximum stake is 30p and the maximum prize value is £8.
 - For mixed money and non money prize gaming machines the maximum stake is 10p and maximum prize value £8 of which £5 can be cash.
 - For crane grab machines only, which have non money prizes, maximum stake £1 and the maximum prize value £50.
 - For coin pushers or penny fall only the maximum cash stake is 10p and maximum prize value is £15 which can include up to £8 maximum of cash.
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/> 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.

Gambling Act 2005

GMP0004

Licensed Premises Gaming Machine Permit

THIS PERMIT IS ISSUED BY

Lancaster City Council
Town Hall
Dalton Square
Lancaster
Lancashire
LA1 1PJ

web: www.lancaster.gov.uk
tel: [01524] 582033



Promoting City, Coast & Countryside

DETAILS OF LICENSED PREMISES GAMING MACHINE PERMIT

This licensed premises gaming machine permit authorises

Stonegate Pub company Limited

to make gaming machines, of the category and number specified below, available for use on the following premises:

Kings Arms (The)

248-250 Marine Road, Morecambe, Lancashire, LA4 4BJ.

Number of Category C gaming machines authorised by this permit: **4**

Number of Category D gaming machines authorised by this permit: **0**

Date on which this permit takes effect

30/09/2015

Licensing Manager

30 September, 2015



Publish Jan 2016.

- 19.5 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.
- 19.6 This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (Sched. 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

20.0 (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))

- 20.1 *Automatic entitlement: up to 2 machines* - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The operator of the premises merely needs to notify the licensing authority and pay the prescribed fee. The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (ie that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 20.2 *Permit: 3 or more machines* - If the operator of alcohol licensed premises wishes to have more than 2 machines, then an application must be made for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

- 20.3 This licensing authority considers that “*such matters*” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be a help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 20.4 This licensing authority recognises that some operators of alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 20.5 The licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 20.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 21.0 Prize Gaming Permits - (Principles on Permits - Schedule 14 paragraph 8 (3))**
- 21.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 21.2 This licensing authority has prepared a statement of principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations;
 - That the gaming offered is within the law;
 - Clear policies that outline the steps to be taken to protect children from harm.
- 21.3 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

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.

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6666

F 0121 230 6720

E info@gamblingcommission.gov.uk

Gambling Commission August 2014
ADV 14/07

LANCASTER CITY COUNCIL

THE GAMBLING ACT 2005 AND THE GAMBLING ACT 2005 (PROCEEDINGS OF LICENSING COMMITTEES AND SUB-COMMITTEES) (PREMISES AND PROVISIONAL STATEMENTS) (ENGLAND AND WALES) REGULATIONS 2007

NOTICE OF HEARING

To: The Applicant: The Kings Arms and Popworld at the Kings Arms,
248-250 Marine Road,
MORECAMBE,
Lancs. LA4 4BJ

The Applicant's Representative: Poppleston Allen,
Solicitors

THE LANCASTER CITY COUNCIL, AS LICENSING AUTHORITY, HEREBY GIVES YOU NOTICE that a hearing before a Sub-Committee of the Licensing Act Committee to consider relevant representations in respect of an application under Section 25 of the Gambling Act 2005 in respect of premises known as **The Kings Arms and Popworld at the Kings Arms, 248-250 Marine Road, Morecambe** will take place on **Friday, 2 November 2018** at **Lancaster Town Hall**, commencing at **10.30 a.m.**

AND TAKE NOTICE THAT each party as listed above is required to give to the Licensing Authority by no later than five working days before the day of the hearing a notice in writing stating whether that party intends to attend or be represented at the hearing, and whether he or she considers a hearing to be unnecessary.

AND TAKE NOTICE THAT if a party wishes any other person (other than the person he/she intends to represent him at the hearing) to appear at the hearing, the notice given by that party and referred to in the preceding paragraph must contain a request for permission for such other person to appear at the hearing, and must set out details of the name of that person and a brief description of the point or points on which that person may be able to assist in connection with the matter to be considered by the Sub-Committee.

GIVEN this 23rd day of October 2018 by the Lancaster City Council as Licensing Authority.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

1. Right of attendance, assistance and representation

A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

The hearing will generally take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking part in public. In such circumstances, a party and any person assisting or representing a party may be treated as a member of the public. The Sub-Committee will exclude the public (and the parties and their representatives) during the decision making process.

The Sub-Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing, and may refuse to permit that person to return, or permit him to return only on such conditions as the Sub-Committee may specify. However, such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which he would have been entitled to give orally had he not been required to leave.

2. Representations and Supporting Information

At the hearing a party shall be entitled to:

- (a) Give further information as applicable in response to a point upon which notice has been given to that party that clarification is required. (Note – if such clarification is required from a party this will have been indicated in the Notice of Hearing).
- (b) Question any other party, but only if given permission by the Sub-Committee; and
- (c) Address the Sub-Committee

3. Failure of Parties to Attend the Hearing

If a party has given notice that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or hold the hearing in the party's absence. If the hearing proceeds in a party's absence, the Sub-Committee will consider and give appropriate weight to the application, representation or notice given by that party in their absence.

4. Representations and Evidence

A party who wishes to rely on information or documentary evidence that has not been submitted in advance of the issue of the Notice of Hearing should ensure that such information or evidence, together with sufficient copies for all the parties, is submitted to the Licensing Manager as soon as possible before the day of the hearing.

Parties are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of all the other parties.

A party who wishes to produce audio/visual evidence should make such evidence available as soon as practical, and should give a minimum of two clear working days notice to the Licensing Manager to facilitate arrangements for the appropriate equipment to be available at the hearing.

5. Procedure

A summary of the procedure that will normally be followed at the hearing is enclosed.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all hearings.

However, depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to):

- Whether to proceed in the absence of a party
- Whether to admit new documents/information submitted at the hearing
- Whether it is in the public interest to exclude members of the public from the hearing or any part of the hearing (other than the decision making process)
- Whether any party wished to withdraw representations previously submitted

6. Special Needs

Any person who intends to attend a hearing and who has special needs, for example in connection with access, language, hearing or vision, should inform the Licensing Manager as soon as practical prior to the day of the hearing, so that appropriate provision or arrangements may be made.

**PROCEDURE TO BE FOLLOWED AT HEARINGS TO WHICH THE
GAMBLING ACT 2005 (PROCEEDINGS OF LICENSING COMMITTEES AND
SUB-COMMITTEES) (PREMISES AND PROVISIONAL STATEMENTS)
(ENGLAND AND WALES) REGULATIONS 2007 APPLY**

1. The Chairman will introduce the Members and the Legal Adviser and Democratic Support Officer.
2. The Chairman will ask the parties to introduce themselves and any persons with them.
3. The Chairman will confirm that there is no reason why any of the three Sub-Committee members should not participate in this matter.
4. The Chairman will confirm that this is a discussion led by the authority; that any questions should generally be put through the Chairman; and that cross-examination will only be permitted if the Sub-Committee considers that it is necessary.
5. The Chairman will ask the parties if they have any requests to cross-examine, and such requests will be considered by the Sub-Committee.
6. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
7. The Chairman will explain to the parties that the procedure to be followed will be the published one (unless the circumstances of the case require the normal procedures to be varied) – that is,
 - that the Licensing Manager (or his representative) will introduce the details of the application, the reason for the hearing, and the documentation;
 - that each party making representations will address the Sub-Committee in turn and will call other persons where permission has been given;
 - that the applicant/licence holder will present his case and will call other persons where permission has been given;
 - that Members may ask questions of all parties and persons;
 - that questions from the parties must be directed through the Chairman unless cross-examination has been permitted under 4 above;
 - that all parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word;
 - that the Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask its Legal Adviser and the Democratic Support Officer to join it in order to assist in documenting the decision and the reasons, or to provide clarification on any point. The decision will be announced in public and confirmed in writing. (In certain circumstances, the decision may not be made on the same day as the hearing.) In the event that the Legal Adviser has been asked for clarification on any point then the point raised and the advice given will be declared to all parties.
8. The Chairman will indicate the maximum period of time each party will be allowed in which to present their case, and will seek comments from the parties before the Sub-Committee makes its final indication on this point.
9. The hearing will then proceed following the procedure in 7 above. The Chairman will arrange for reasonable comfort breaks throughout the hearing.