

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting, Thursday 19th December, 2013  
at 2.00 p.m. (Committee Room No. 4)

### **A G E N D A**

#### **PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.
3. Admission of Public and Press  
  
To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.
4. Declarations of Interest  
  
To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.  
  
Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).  
  
Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.
5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 14th November, 2013 and to note the Minutes of the Licensing Sub-Committee held on 12th November, 2013 (copies attached).

#### **FOR DECISION**

##### **Environmental Health Manager's Reports**

- (D) 7. Application for a Variation to a Gaming Machine Permit from JD Wetherspoon PLC for Furness Railway, Abbey Road, Barrow-in-Furness.

**PART TWO**

- (D) 8. Application for Private Hire/Hackney Carriage Vehicle Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 9. Hackney Carriage Driver Renewal Application.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 10. Application for a Private Hire/Hackney Carriage Vehicle Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 11. Application for a Private Hire/Hackney Carriage Vehicle Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 12. Application for a Private Hire/Hackney Carriage Vehicle Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 13. Application for a Private Hire/Hackney Carriage Vehicle Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 14. Application for Scrap Metal Dealer Collector Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

## **Membership of Committee**

Callister (Chairman)  
Irwin (Vice Chairman)  
Biggins  
Derbyshire  
Graham  
W. McClure  
Maddox  
Opie  
Pemberton  
Roberts  
Seward  
Wall

### **For queries regarding this agenda, please contact:**

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# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting: Thursday 14th November, 2013  
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Derbyshire, Graham, Maddox, Opie, Seward, C. Thomson and Wall.

### **36 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006**

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute Nos. 41 and 42) of Part One of Schedule 12A of the said Act.

### **37 – Declaration of Interest**

Councillor Graham declared an interest in Agenda Item 8 – Application for Private Hire Vehicle Driver's Licence (Minute No. 41) as the applicant was known to her. She left the meeting during consideration of the item.

### **38 – Apologies for Absence/Attendance of Substitutes**

Apologies for absence were received from Councillors Irwin (Vice-Chairman), Biggins and Roberts.

Councillor C. Thomson had attended as a substitute for Councillor Biggins for this meeting only.

### **39 – Minutes**

The Minutes of the meeting held on 17th October, 2013 were taken as read and confirmed.

### **40 – European Market, Street Trading**

The Environmental Health Manager reported that the Council had been approached by European Gift Events with a proposal to organise a European Market in Barrow Town

Centre between 10th and 14th December, 2013 as a promotional and commercial venture to encourage shopping in Barrow.

The market would comprise of Traders who would sell a variety of goods such as glass and china, jewellery, Italian biscuits and olives, Egyptian textiles, chocolate factory, pet beds, South American goods, crepes and waffles, handmade soap, Polish barbeque and stew and carved garden ornaments and furniture.

She requested that she be delegated authority to issue Street Trading Consents in the Town Centre for the relevant period, subject to details being negotiated by the Town Centre Manager and precise stall locations being agreed in consultation with the Highway Authority and Emergency Services.

She informed the Committee that the application was consistent with the Council's policy on Street Trading in that it would attract more people to the Town and would complement existing business. She had suggested that a fee of £1,200 be charged for the consent.

Comments made by the Committee included:-

1. It would be better if the Traders traded all day on Saturday as at the last event on 2nd November, 2013 many Traders had packed up by 1.30 p.m. Saturday would probably be the busiest period due to out of town shoppers visiting Barrow; and
2. Stall locations could be better planned, for example situate a sweet/coffee stall at the opposite end of Dalton Road to the main cafes.

The Environmental Health Manager advised that she would report the comments back to European Gift Events as well as the Town Centre Manager.

RESOLVED:- (i) To agree in principle to the holding of the European Market on Dalton Road from 10th to 14th December, 2013;

(ii) To agree that delegated authority be given to Officers to issue Street Trading Consents subject to consultees being in agreement and that their requirements were satisfied; and

(iii) To agree that a fee of £1,200 be charged for the consent.

#### **41 – Application for Private Hire Vehicle Driver's Licence**

The Environmental Health Manager re-submitted an application she had received for a Private Hire Vehicle Driver's Licence from Mr A. R. The application had been tabled at the last meeting of the Committee on 17th October, 2013 (Minute No. 33 refers) and Members had agreed to defer consideration of the application to allow further

information to be obtained and to allow the applicant to address the Committee in person.

The applicant attended the meeting and addressed the Committee.

It was moved by Councillor Derbyshire and seconded by Councillor C. Thomson to again defer consideration of the application as the further information required had not been received.

RESOLVED:- To agree to defer consideration of the application to allow further information be obtained to determine whether or not the applicant met the higher level requirement of Group 2 standards for vocational drivers as laid down by the DVLA.

#### **42 – Application for Private Hire/Hackney Carriage Vehicle Driver’s Licence**

The Environmental Health Manager reported on an application she had received for a Private Hire/Hackney Carriage Vehicle Driver’s Licence from a Mr K. C. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Licensing Authority’s medical guidelines regarding such matters.

The applicant had submitted his apologies for today’s meeting due to a prior appointment and had requested that the Committee deferred consideration of his application to the next meeting to enable him to attend.

RESOLVED:- To agree to defer consideration of the application to allow the applicant to address the Committee in person.

The meeting closed at 2.40 p.m.

## LICENSING SUB-COMMITTEE

Meeting: 12th November, 2013  
at 10.00 a.m.

PRESENT:- Councillors Callister (Chairman), Maddox and Roberts.

Also present were Police Community Sergeant John McIntosh of Barrow Borough Neighbourhood Police Team, Katherine Saunders HQ CID Police Intelligence Analyst and Tiffany Battersby of the Local Planning Authority.

### **8 – The Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985 and Access to Information (Variation) Order 2006**

Discussion arising hereon it was,

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds they involved the likely disclosure of exempt information as defined in Paragraph 7 (Minute Nos. 10 and 11) of Part One of Schedule 12A of the said Act.

### **9 – Minutes**

The Minutes of the meeting held on 22nd August, 2013 had been circulated with the agenda for confirmation. The Chairman highlighted that he was the only Member present at today's meeting who had been present at the meeting on 22nd August, 2013 and it was,

RESOLVED:- To agree that the Minutes would be re-submitted for confirmation at the next meeting of the Licensing Sub-Committee.

### **10 – Application for Variation of Premises Licence for Marmaris, 72 Duke Street, Barrow-in-Furness**

The Environmental Health Manager submitted a report concerning an application to vary the opening hours of the Premises Licence for Marmaris, 72 Duke Street, Barrow-in-Furness which provided late night refreshment.

The application was to vary the hours when late night refreshment could be provided. The existing hours were 23:00hrs - 03:00hrs Monday to Sunday. The applicant had requested that the opening hours be extended to allow the premises to be open from 23:00hrs - 05:00hrs on Friday and Saturday and Bank Holiday Sundays.

The Environmental Health Manager informed the Sub-Committee that representations had been received from Cumbria Constabulary and the Local Planning Authority. Copies of those representations had been appended to the report.

The Environmental Health Manager had included within her report Paragraphs of guidance issued under Section 182 of the Licensing Act 2003 which were particularly relevant for Members when making a decision concerning this application. Namely:- Paragraphs 3.11, 3.12 and 3.15 relating to late night refreshment and Paragraphs 10.11 and 10.12 relating to hours of trading. She also referred to Sections of the Council's current Statement of Licensing Policy to assist Members in their decision making; namely:- Paragraphs 4.7.1 to 4.7.9 relating to cumulative effects of Licensed Premises and Paragraphs 4.8.1 to 4.8.9 relating to consideration of applications and the imposition of conditions.

The application had been copied to the relevant responsible Authorities and had also been advertised as required by statute for a 28 day period. A copy of the application together with a copy of the plan showing the location of the premises had been appended to the report.

**A representative from Marmaris along with his representative from Direct Planning Limited attended the meeting and addressed the Sub-Committee and answered question by Members. Representatives from Cumbria Constabulary and the Local Planning Authority also addressed the Sub-Committee and answered questions by Members and representatives from Marmaris.**

Additional information had been submitted at the meeting which was a Statement of Case on behalf of the applicant submitted by Direct Planning Limited. All parties concerned had accepted the submission of this additional information prior to proceeding with making a decision on the application.

RESOLVED:- That in accordance with Section 100A(4) of the Local Government Act 1972 and Access to Information (Variation) Order 2006, members of the public (including the press) be excluded from the meeting during the deliberations of the Sub-Committee, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part One of Schedule 12A of the said Act.

**The public along with the Police and Planning Representative withdrew and were re-admitted to the meeting following the Sub-Committee's deliberations.**

RESOLVED:- The Sub-Committee unanimously agreed to refuse the application to vary the opening hours for Marmaris, 72 Duke Street, Barrow-in-Furness for the following reasons:-

1. The Sub-Committee considered that allowing the Premises to open between 03:00hrs and 05:00hrs would add to the already existing high levels of crime



and disorder in the hot spot area of Duke Street/Cavendish Street. They added that a point of saturation (cumulative effect) had been reached;

2. Members were mindful that the addition of door staff previously had not deterred crime and disorder at this specific business premises;
3. Police evidence had demonstrated that there had been unreasonable levels of crime and disorder directly linked to the premises; and
4. The imposition of conditions would not prevent crime and disorder at the premises as police statistics/evidence had demonstrated.

The Sub-Committee arrived at their decision having regard to the national guidance issued under Section 182 of the Licensing Act 2003 and also Sections 4.7.1 to 4.7.9 of the Council's current Statement of Licensing Policy relating to cumulative effects of Licensed Premises.

The Sub-Committee believed the decision was necessary to promote the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance.

The Chairman advised that the Licensing Authority would write to all parties confirming the decision within 5 working days. He added that if any party was aggrieved by the decision then they had the right of appeal to the Magistrates Court within 21 days of the decision being made.

### **11 – Application for Variation of Premises Licence for Antalya, 81 Duke Street, Barrow-in-Furness**

The Environmental Health Manager submitted a report concerning an application to vary the opening hours of the Premises Licence for Antalya, 81 Duke Street, Barrow-in-Furness which provided late night refreshment.

The application was to vary the hours when late night refreshment could be provided. The existing hours were 23:00hrs - 00:00hrs Monday - Wednesday, 23:00hrs - 03:00hrs Thursday - Saturday and 23:00hrs – 01:00hrs on Sunday. The applicant had requested that the opening hours be extended to allow the premises to be open from 23:00hrs - 05:00hrs on Friday and Saturday and each Bank Holiday Sunday.

The Environmental Health Manager informed the Sub-Committee that representations had been received from Cumbria Constabulary and the Local Planning Authority. Copies of those representations had been appended to the report.

The Environmental Health Manager had included within her report Paragraphs of guidance issued under Section 182 of the Licensing Act 2003 which were particularly relevant for Members when making a decision concerning this application. Namely:- Paragraphs 3.11, 3.12 and 3.15 relating to late night refreshment and Paragraphs 10.11 and 10.12 relating to hours of trading. She also referred to Sections of the Council's current Statement of Licensing Policy to assist Members in their decision making; namely:- Paragraphs 4.7.1 to 4.7.9 relating to cumulative effects of Licensed Premises and Paragraphs 4.8.1 to 4.8.9 relating to consideration of applications and the imposition of conditions.

The application had been copied to the relevant responsible Authorities and had also been advertised as required by statute for a 28 day period. A copy of the application together with a copy of the plan showing the location of the premises had been appended to the report.

**The applicant, Mr A. D. attended the meeting and addressed the Sub-Committee and answered questions by Members. Representatives from Cumbria Constabulary and the Local Planning Authority also addressed the Sub-Committee and answered questions by Members and the applicant.**

RESOLVED:- That in accordance with Section 100A(4) of the Local Government Act 1972 and Access to Information (Variation) Order 2006, members of the public (including the press) be excluded from the meeting during the deliberations of the Sub-Committee, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part One of Schedule 12A of the said Act.

**The public along with the Police and Planning Representative withdrew and were re-admitted to the meeting following the Sub-Committee's deliberations.**

RESOLVED:- The Sub-Committee unanimously agreed to refuse the application to vary the opening hours for Antalya, 81 Duke Street, Barrow-in-Furness for the following reasons:-

1. Police evidence had demonstrated that there had been unreasonable levels of crime and disorder linked to the business premises and the surrounding area;
2. The Sub-Committee considered that the imposition of conditions (i.e. the use of door staff) would not prevent crime and disorder around the premises; and
3. Saturation (Cumulative Effect) is an important consideration and objections from the Police and Planning Authority mention this.

The Sub-Committee considered that the granting of additional opening hours between 03:00hrs and 05:00hrs would add to the already existing high levels of crime and disorder in the Cavendish/Duke St area.

The Sub-Committee arrived at their decision having regard to the national guidance issued under Section 182 of the Licensing Act 2003 and also Sections 4.7.1 to 4.7.9 of the Council's current Statement of Licensing Policy relating to cumulative effects of Licensed Premises.

The Sub-Committee believed the decision was necessary to promote the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance.

The Chairman advised that the Licensing Authority would write to all parties confirming the decision within 5 working days. He added that if any party was aggrieved by the decision then they had the right of appeal to the Magistrates Court within 21 days of the decision being made.

The meeting closed at 12.45 p.m.

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|--|--|----------------------|
| <b>LICENSING COMMITTEE</b>   |  | <b>Part One</b>      |
| <b>Date of Meeting: 19th December, 2013</b>  |  | <b>(D)</b>           |
| <b>Reporting Officer: Environmental Health Manager</b>   |  | <b>Agenda Item 7</b> |
| <p><b>Title: Application for Variation to a Gaming Machine Permit from JD Wetherspoon PLC for Furness Railway, Abbey Road, Barrow-in-Furness.</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with an application for a Variation to a Gaming Machine Permit from JD Wetherspoon PLC for Furness Railway, Abbey Road, Barrow-in-Furness. The applicant would like to increase the number of gaming machines on the premises from five to six.</p> <p><b>Recommendation:</b></p> <p>That Members approve the application.</p> |  |                      |

### **Report**

I have received an application for a Variation to a Gaming Machine Permit from JD Wetherspoon PLC for Furness Railway, Abbey Road, Barrow in Furness, Cumbria, LA14 5UB. JD Wetherspoon PLC would like to increase the number of gaming machines available from five to six.

Premises such as The Furness Railway that are licensed under the Licensing Act 2003 for on-sales of alcohol have an automatic entitlement to make available two gaming machines (Category C or D).

Category C gaming machines allow a maximum stake of 50p and a maximum prize of £25.00. Category D gaming machines allow a maximum stake of 10p or 30p (non-monetary) and a maximum prize of £5 cash (£8 non-monetary).

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.

In addition, a premises licensed as above can apply for a Premises Gaming Machine Permit to allow them to make available any number of category C or D machines. Officers have delegated authority to determine applications for up to a maximum of four machines in any individual premises (Minute No 8 Licensing Committee 22nd May, 2008 refers).

As the applicant is asking for six machines, it has been necessary to bring the application before Licensing Committee for a decision.

Licensing Authorities are required to consider an application for a permit based on the licensing objectives, the Guidance issued to Licensing Authorities and “such matters as they think relevant”.

The licensing objectives 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.

Attached at **Appendix 1** is a copy of the Gambling Commission – Gaming Machine Code of Practice.

The Council’s Statement of Gambling Policy should also be taken into account, specifically paragraphs 20.1 to 20.5 which are set out in **Appendix 2**.

I have consulted with the Police Authority who have confirmed that they have no objection to the application.

A representative of JD Wetherspoon has been invited to Committee to discuss the application.

It is recommended that Members approve the application.

#### Background Papers

Nil

**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**

**March 2012**

**1 General provisions**

1.1 This is the Gambling 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.

1.2 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.

**1.3** Those items marked in bold and shaded are the provisions which are a condition of the permit and must be complied with.

## **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.**

**2.1** 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.

Permit holders must have in place arrangements for such supervision.

**2.2** 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 machine 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 Gambling Commission considers it should be implemented by permit holders.**

**3.1** 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.

**3.2** Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.

**3.3** 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.

**3.4** 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.

**3.5** 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 Gambling Commission and the police, and making available information on problem gambling.

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.

## **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 Gambling Commission considers it should be implemented by permit holders.**

**4.1** Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises.

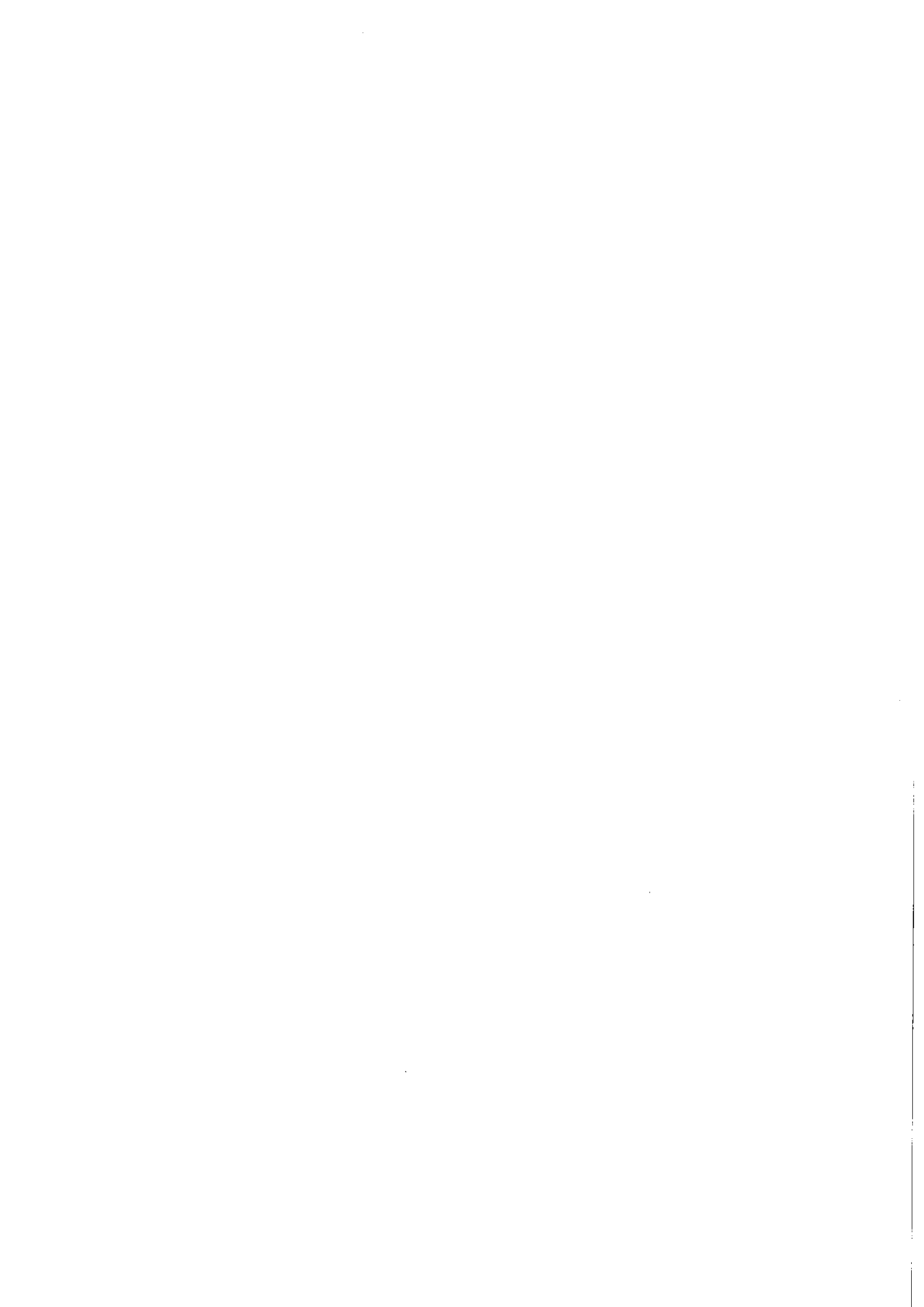
**4.2** A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:

- a) is not resolved at the first stage of the complaints procedure, and
- b) relates to the outcome of the complainant's gambling transaction.

**4.3** 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.





**Barrow Council's Statement of Gambling Policy 2012**

- 20.1 *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 and code of practice issued by the Gambling Commission issued under Section 24 & 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"
- 20.2 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.
- 20.3 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.
- 20.4 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.
- 20.5 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.