

BOROUGH OF BARROW-IN-FURNESS

LICENSING SUB-COMMITTEE

Meeting, Monday, 16th May, 2016
at 10.00 a.m. (Committee Room No. 4)

A G E N D A

PART ONE

1. Appointment of Chairman for 2016/17.
2. To note any items which the Chairman considers to be of an urgent nature.
3. 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.

4. 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.

5. 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.

6. To confirm the Minutes of the meeting held on 30th April, 2015 (copy attached).
7. Apologies for Absence/Attendance of Substitute Members.
- (D) 8. Application for a gaming machine permit in licensed premises.

MEMBERS OF SUB-COMMITTEE

Membership of the Sub-Committee to be appointed at the Annual Council meeting on 10th May, 2016.

For queries regarding this agenda, please contact:

Keely Fisher

Democratic Services Officer

Tel: 01229 876313

Email: ksfisher@barrowbc.gov.uk

Published: 4th May, 2016

LICENSING SUB-COMMITTEE

Meeting: Thursday 30th April, 2015
at 2.00 p.m.

PRESENT:- Councillors Callister, Irwin and Roberts.

Officers Present:- Owen Broadhead, Senior Environmental Health Officer (Licensing), Jennifer Curtis, Senior Licensing Officer, Jane Holden, Deputy Monitoring Officer and Sharron Rushton, Democratic Services Officer.

Legal Representative:- Mr Paul O'Donnell.

Environmental Protection Team: Graham Barker, Environment Protection Team Manager and Geoff Dowker, Environmental Protection Team Officer.

Representative of the Applicant:- Mr Ozmus.

5 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Pemberton. Councillor Roberts had substituted for Councillor Pemberton for this meeting only. Apologies for absence were also received from Cumbria Constabulary and the Local Planning Authority Development Services Manager.

6 – Minutes

The Minutes of the Licensing Sub-Committee held on 27th August, 2014 were taken as read and confirmed.

7 – Application for a Premises Licence to include the provision of Late Night Refreshment

The Senior Licensing Officer reported on an application she had received from Mr Ozmus for a Premises Licence to include the provision of Late Night Refreshment for La Pizzeria, 116 Lesh Lane, Barrow-in-Furness.

The application was to provide Late Night Refreshment Sunday - Thursday 23.00pm – Midnight, Friday - Saturday and Bank Holiday Sundays 23.00pm – 01.00am. The premise currently operated until 23.00 hours 7 days a week.

The application had been advertised on the premises as required by statute for a 28 day period, had also been advertised in the local newspaper and had been submitted to the relevant responsible authorities for consultation including:-

- Licensing Authority;
- The Local Planning Authority;
- Environmental Protection Team;
- Chief Officer of Police;

- Health and Safety Officer;
- Divisional Officer, Cumbria Fire and Rescue;
- Trading Standards;
- Public Health; and
- Safeguarding and Review, Child Protection.

Relevant objections to the granting of the licence had been received from the Environmental Protection Team and the Local Planning Authority. The objections received raised concerns over the applicants ability to promote one of the licensing objectives; the prevention of public nuisance.

The responses from the Environmental Protection Team Leader and the Development Services Manager (Planning) had been detailed in the report. Also included within the report was reference to Paragraphs of National Guidance issued under Section 182 of the Licensing Act 2003 (revised June 2014) which were particularly relevant for Members when making a decision concerning the application. Reference had also been made to Paragraphs of the Council's current Statement of Licensing Policy to assist Members in their decision making.

The applicant had been invited to attend to make representations but had requested a representative attend on his behalf.

The Environmental Protection Team Leader had also been invited to attend the meeting to make representations.

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.

Environmental Health Officers along with the applicant's representative and the objectors withdrew and were re-admitted to the meeting following the Sub-Committee's deliberations.

RESOLVED:- That the Premises Licence be approved to include the provision of Late Night Refreshment Sunday - Thursday, 2300 hours – Midnight, Friday - Saturday and Bank Holiday Sundays 23.00 hours – 01.00 am.

The Sub-Committee arrived at their decision having considered the National Licensing Guidance and hearing representations. The decision was made due to there being no other substantial objections following 2011 and no objections from nearby residents. The Sub-Committee also believed that there would not be increased noise disturbance to people living and working in the close vicinity and therefore residencies would not be adversely affected.

The meeting closed at 3.25 p.m.

LICENSING SUB-COMMITTEE	(D) Agenda Item 8
Date of Meeting: 16th May, 2016	
Reporting Officer: Senior Licensing Officer	
<p>Title: Application for a gaming machine permit in licensed premises</p> <p>Summary:</p> <p>The Owl and the Pussycat, Hindpool road, Barrow has made an application to the Licensing Authority for a Gaming Machine Permit. It is for 5 gaming machines to be sited within the premises.</p> <p>The Councils' scheme of delegation does not authorise officers to determine the application where that application is for more than 4 gaming machines.</p> <p>Purpose:</p> <p>For Members to determine an application received from The Owl and Pussycat in respect for a Gaming Machine Permit for 5 gaming machines for the premises in accordance with the scheme of delegation in relation to the Council's Statement of Gambling Policy 2015 and the Gambling Act 2005.</p>	

1. Report

The Licensing Authority has received an application for a Gaming Machine Permit from The Owl and the Pussycat, Hindpool Road, Barrow (attached at **Appendix 1**) under Sch.13 Gambling Act 2005 ("the Act") for 5 gaming machines within the premises.

The Owl and the Pussycat benefits from a Premises licence issued under s.17 Licensing Act 2003 authorising the sale of alcohol and has an automatic entitlement to make available two gaming machines (Category C or D).

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 prize is up to £10 cash and £50 non-monetary prizes.

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.

Where a premises wishes to have more than 2 gaming machine, 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.

The Council's scheme of delegation does not authorise officers to determine applications where the application is for more than 4 gaming machines.

As the application is for the siting of 5 machines, it is necessary to bring the application before the Committee for decision.

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.

The Act contains 3 licensing objectives which are;

- Preventing gambling from being a source of crime and disorder being associated with crime and disorder, or being used the 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.

The Licensing Authority can only have regard to these objectives when carrying out their functions under the Act.

The Gambling Commissions published code of practice provides the requirements that must be complied with by the Gambling Machine Permit Holder.

The Senior Licensing Officer has visited the premises and can confirm that they are compliant with the requirements of the code of practice regarding the location and operation of gaming machines.

2. Representations

A representative of The Owl and the Pussycat has been invited to Licensing Regulatory Committee to discuss the application.

The Licensing Authority has consulted with Cumbria Constabulary who have confirmed they have no objection to the application.

3. Relevant Legislation and Council Procedure

S. 283 Gambling Act 2003

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 contained in the legislation 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.

The Gambling Commissions published code of practice provides the requirements that must be complied with by the Gambling Machine Permit Holder. Attached at **Appendix 2.**

4. Options

The options available to members 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)

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

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).

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, 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.

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

5. Recommendation

It is the Officer's recommendation that members **GRANT** the licensed premises gaming machine permit.

6. Reasons for recommendation

I recommend members **GRANT** the permit for the following reasons;

- a) The applicant holds an on-premises alcohol licence;
- b) Applicants can apply for a premises gaming machine permit to allow them to make available any number of category C or D machines.
- c) The premises are compliant with the Gambling Commission's Gaming Machines in Licensed Premises Code of Practice regarding the location and operation of gaming machines.
- d) The granting of the gaming machine permit would not undermine any of the licensing objectives.

Considerations

(i) 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 then under section 282 of the Gambling Act 2005 the location and operation of the machines must be in accordance with any relevant Code of Practice issued by the Gambling Commission.

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)

(ii) Risk Assessment

None identified

(iii) Financial Implications

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

(iv) Health and Safety Implications

None identified

(v) Key Priorities and Corporate Aims

None identified

(vi) Equality and Diversity

None identified

(vii) Health and Well-being Implications

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.

(viii) Human Rights

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

Background Papers

Nil.

Date:02/03/2016

Ref:1311802

LICENSING DEPARTMENT
Barrow-in-furness Borough Council
Town Hall
Duke Street
Barrow-in-furness
Cumbria
LA14 2LD

Dear Sir/Madam,

RE: LICENSED PREMISES NOTIFICATION/GAMING MACHINE PERMIT

I enclose herewith a Licensed Premises Notification/LPGMP application for the following site:

Owl & Pussycat
Hindpool Road
Barrow in Furness
LA14 2NA

The relevant fee is also enclosed and I would be obliged if you could forward the acknowledgement or permit to Gamestec for my attention at the address below when this has been granted.

The details will be noted on our records and a copy will be forwarded to the site. A prepaid envelope is enclosed for your convenience.

Thank you in anticipation of your assistance.

Yours faithfully

Roz Sage
Licensing Department
Gamestec Leisure Ltd

Enc.
1311802



Gamestec Leisure Limited

B10, Wika House, Wika Business Park, Ring Road, Leeds, LS16 6EP, Tel: 0113 258 9495, Fax: 0113 239 0072

Email: enquiries@gamestec.co.uk, www.gamestec.co.uk

Registered in England No. 5348584, Registered office: Wika House, 1 Ringway, Bradford Industrial Estate, Bradford, CB31 3JY, UK. Registered in England

**GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER**

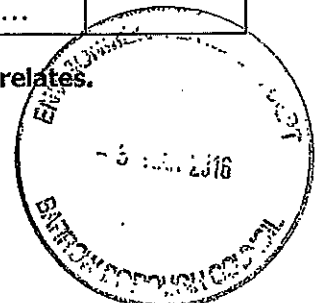
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

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

To: Barrow-in-furness Borough Council
 Town Hall , Duke Street , Barrow-in-furness , Cumbria , LA14 2LD

<p>SECTION A – What do you want to do?</p> <p>1. Please indicate what you would like to do</p> <p>a) Apply to convert an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit where you want more than 2 gaming machines <i>(if you choose this option then please complete sections B, D and E)</i></p> <p>b) Apply for a new licensed premises gaming machine permit where you want more than 2 gaming machines <i>(if you choose this option then please complete sections B, D and E)</i></p> <p>c) 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></p> <p>d) 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></p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>												
<p>SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications)</p> <p>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)</p> <table border="1" style="margin-left: auto; margin-right: 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;">2</td> <td style="padding: 5px;">3</td> </tr> <tr> <td style="padding: 5px;">D</td> <td style="padding: 5px;">0</td> <td style="padding: 5px;">2</td> </tr> <tr> <td style="padding: 5px;">Total:</td> <td style="padding: 5px;">2</td> <td style="padding: 5px;">5</td> </tr> </tbody> </table> <p>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.</p> <p align="right">Existing permit provided*</p> <p><i>(Reasons why existing permit cannot be provided)</i></p> <p>.....</p>	Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C	2	3	D	0	2	Total:	2	5	<p><input type="checkbox"/></p>
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)											
C	2	3											
D	0	2											
Total:	2	5											

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



GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER

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

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

Section D – General Information
7. NAME OF PREMISES: Owl & Pussycat
8. ADDRESS OF PREMISES: Hindpool Road, Barrow in Furness, Cumbria, LA14 2NA
9. TELEPHONE NUMBER OF PREMISES: UNKNOWN
10. NAME OF EXISTING PREMISES LICENCE HOLDER: Spirit Pub Co. (Services) Ltd
11. ADDRESS OF PREMISES LICENCE HOLDER: Sunrise House, Ninth Avenue, Burton on Trent, Staffordshire, DE14 3JZ
12. DAYTIME TELEPHONE NUMBER OF PREMISES LICENCE HOLDER: 01283498400
13. E-MAIL ADDRESS OF PREMISES LICENCE HOLDER: UNKNOWN
14. AGENT (E.G. SOLICITOR) IF SUBMITTED ON BEHALF OF THE APPLICANT: Gamestec Leisure Ltd, Unit B12 Wira House, Ring Road, Leeds LS16 6ER Telephone:
15. LICENSING ACT 2003 PREMISES LICENCE REFERENCE (I.E. NUMBER)

GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2
MACHINES:

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 cheque payable Barrow-in-furness Borough Council



*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...02 March 2016.....

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

.....

Print Name...Roz Sage.....

* If you wish to have more than 2 gaming machines then please check the fee payable.

Official Use Only

Date of receipt:

Name of staff member who received application form:

Date of receipt of fee:

Name of staff member who received fee:

Application accepted / returned (please delete as appropriate)

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

**GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER**

Guidance notes:

1. This form is to be used 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.
1. 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.
2. The gaming machines must be located on these licensed premises.
3. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
4. 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.
5. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable within 30 days of the date of issue of the permit 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 (to be confirmed). There are no annual fees payable for 2 machines or less.
6. Two types of gaming machines may be located in alcohol licensed premises. These are:
 - Category C: Maximum stake = 50p / Maximum prize = £100
 - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
7. **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.
8. 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.



Date

To Whom It May Concern:

Dear Sir

**RE: APPLICATION FOR GRANT OF GAMING MACHINE PERMIT (LPN AND
LPGMP) - GAMBLING ACT 2005**

I wish to confirm that Gamestec Leisure Limited are authorised to act as the agent of this Company, its subsidiaries, tenants and leaseholders with regard to permit applications and notifications enabling the operation of fruit machines on our various premises.

I confirm that I have been provided with a summary of the Code of Practice as laid down in the Gambling Act and understand that Premises Licence Holders are responsible for ensuring that each of site upholds this.

Yours faithfully

.....Signature

..A.B. SCOTT.....Print

on behalf of: -

**Spirit Pub Company, Sunrise House, Ninth Avenue, Burton upon Trent, Staffordshire
DE14 3JZ**

Phone: 01283 498 400 | Fax: 01283 498 250 | www.spiritpubcompany.com

Spirit Pub Company is a trading name of Spirit Pub Company (Services) Limited Reg No. 5266811, Spirit Pub Company (Managed) Limited Reg No. 5269240, Spirit Pub Company (Leased) Limited Reg No. 5699544 and Spirit Pub Company (Trade) Limited Reg No. 5746068. Each of these companies noted above is registered in England and Wales and has its Registered Office at Sunrise House, Ninth Avenue, Burton upon Trent, Staffordshire DE14 3JZ.

GAMBLING COMMISSION

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