

BOROUGH OF BARROW-IN-FURNESS

LICENSING SUB-COMMITTEE

Meeting, Thursday, 15th December, 2016
at 1.30 p.m. (Drawing Room)

AGENDA

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. To confirm the Minutes of the meeting held on 21st July, 2016 (copy attached).
6. Apologies for Absence/Attendance of Substitute Members.
- (D) 7. Application for a gaming machine permit in licensed premises.

MEMBERS OF SUB-COMMITTEE

Callister (Chairman)
Seward
W. McClure

For queries regarding this agenda, please contact:

Keely Fisher
Democratic Services Officer
Tel: 01229 876313
Email: kfisher@barrowbc.gov.uk

Published: 7th December, 2016

LICENSING SUB-COMMITTEE

Meeting: Thursday 21st July, 2016
at 11.00 a.m.

PRESENT:- Councillors Gill, Maddox and Seward.

Officers Present:- Jane Holden (Acting Principal Legal Officer), Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Geoff Dowker (Senior Environmental Protection Officer), and Keely Fisher (Democratic Services Officer).

Others:- Paul O'Donnell (Local Authority Retained Solicitor from Brown Barron) and PC Caroline Kendall

6 – Appointment of Chairman for this meeting only

In the absence of the Chairman, nominations were requested for the appointment of Chairman for this meeting only.

Councillor Maddox moved that Councillor Seward be appointed as Chairman for this meeting only. It was duly seconded and it was

RESOLVED:- That Councillor Seward be appointed Chairman for this meeting only.

COUNCILLOR SEWARD IN THE CHAIR

7 – Minutes

The Minutes of the Licensing Sub-Committee held on 16th May, 2016 were taken as read and confirmed.

8 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were submitted from Councillors Callister and W. McClure.

Councillors Gill and Maddox had replaced Councillors W. McClure and Callister respectively for this meeting only.

9 – Application for a Premises Licence – Walney Central ARLFC

The Senior Licensing Officer's report set out details of an application for a premises licence from Walney Central ARLFC ("The Applicant"), Central Drive, Walney, LA14 3HY. Relevant objections had been received from residents living in close proximity of the premises, therefore required consideration and determination by the Sub-Committee in accordance with the scheme of delegation.

The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment were licensable activities under the Licensing Act 2003. Authorisation

from the Council, in its role as the licensing authority, was required in order to carry on any of these activities at premises within the borough.

The Act provided several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, required a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.

The Licensing Authority was contacted on 23rd May 2016 by the Applicant requesting information regarding an application for a premises licence for Walney Central ARLC, Central Drive, Walney. A meeting was arranged for 25th May 2016 between the Applicant, Senior Licensing Officer and Police Licensing Officer. The purpose of the meeting was to offer support and guidance in relation to the application for a premises licence and discuss the measures that would need to be implemented to meet the high standards expected from licensed premises in the Borough and satisfy the four licensing objectives:-

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance; and
4. Protection of children from harm

On 26th May 2016 an application was made to the Licensing Authority by Walney Central ARLFC, Central Drive, Walney for a Premises Licence to include the provision of regulated entertainment and the sale of alcohol both indoors and outdoors at the above mentioned premises.

The Applicant had applied to provide regulated entertainment which included:

- Plays;
- Films;
- indoor sporting events;
- boxing or wrestling entertainments;
- live and recorded music;
- performances of dance;
- provision of facilities for making music;
- provision of facilities for dancing; and
- late night refreshment and the sale of alcohol both indoors and outdoors Monday to Sunday 10.00am - 1.00am.

Notice of application has been given by the Applicant through service of a copy of the application on specified 'responsible authorities'. The Applicant was also required to give public notice of the application, by displaying a statutory notice on the premises for a 28 day period; the notice had also been published in the local newspaper.

A copy of the full application was attached as an appendix to the Officer's report for Members' information.

The Council had consulted with the following Responsible Authorities:-

- 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.

The Senior Environmental Protection Officer, on behalf of the Environmental Protection Team, liaised with the Applicant and agreed that the following conditions be added to the licence to satisfy their obligation to protect public nuisance:-

1. Regulated Entertainment #OUTDOORS# to be limited to 4 occasions per calendar year.
2. Noise from Regulated Entertainment #OUTDOORS# shall be inaudible at a noise sensitive location between 23:00hrs and 10:00hrs the following day.
3. The noise level LAeq, from Regulated Entertainment #OUTDOORS#, measured for any 10 minute period at 1m from the facade of a noise sensitive location, during the event, shall not exceed the background noise level (LA90) by more than 15dB(A). No noise sensitive premises shall be exposed to an LAeq 10 minute of more than 60dB(A).
4. Prior to any Regulated Entertainment #OUTDOORS# the background noise level LA90 shall be measured for any 10 minute period, when no event is going on, but under similar conditions that will prevail. (i.e. the same time and day of the week)

The Senior Environmental Health Officer attended the meeting to explain the conditions imposed by Environmental Protection.

At the time of writing the report, the Council had not received representations from any other Responsible Authorities. However, the Local Planning Authority submitted representations on 21st July, 2016 which included a copy of Planning Consent for the Club dated 16th December, 2016.

Relevant objections to the granting of the licence had been received from residents living in close proximity of the premises.

The objections received raised concerns over the Applicant's ability to promote the licensing objectives.

A resident of Central Drive was representing 4 other residents who had signed his letter of objection and attended the meeting and made representations.

A further resident of Central Drive had submitted a representation regarding the promotion of licensing objectives. She later withdrew her objections. The Licensing Authority had since received a further letter dated 19th July, 2016 which reinstated her initial objections. The Objector attended the meeting and addressed the Sub-Committee.

Copies of the letters and representations received from residents were attached as appendices to the Officer's report.

The Reporting Officer had acted as mediator between the Applicant and Objectors to try and agree on terms that would satisfy all parties concerned.

A letter sent to residents from The Applicant outlining their intentions for the use of the premises was attached as an appendix to the report.

Following the representations being received the Applicant had reviewed their application and reduced the hours of licensable activities from 01.00am to 11.00pm Monday – Sunday. However this amendment to the application had not resolved all residents' concerns.

An email exchange between the Reporting Officer and Applicant confirming the reduction in hours was attached as an appendix to the report.

The Senior Licensing Officer informed the Sub-Committee that they must ensure that all licensing decisions had a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it was applied so rigidly that an exercise of discretion in each individual case was precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.

The Applicant had set out in the Operating Schedule of the application what measures would be put in place to promote each of the licensing objectives (Proposed Condition).

Where it was felt the measure proposed by the Applicant could be improved, the Reporting Officer had amended the condition accordingly, to ensure it could be managed by the Applicant, proportionate to the type of premises in promoting the licensing objectives and enforceable.

The proposed measures contained in the operating schedule along with the condition recommended by the Reporting Officer were set out in the report. The Senior Licensing Officer read out the list of amended proposed conditions.

The provisions of chapter 10 of the statutory guidance highlighted that only precise, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as were necessary to promote the licensing objectives arising out of the consideration of the representations received, and

should avoid straying into undisputed areas. Conditions duplicating other statutory provisions were not considered to be appropriate.

All parties with the exception of Councillors, Paul O'Donnell (Legal Representative), Jane Holden (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer) withdrew and were readmitted to the meeting following the Sub-Committee's deliberations.

RESOLVED:- That the Premises Licence for Walney Central ARLFC be granted subject to:-

- (i) Conditions which are consistent with the Operating schedule, modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives, including the additional conditions approved between Environmental Protection and the Applicant.

The modified conditions in relation to each of the licensing objectives were as follows:-

Prevention of crime and disorder

1. No person in possession of an alcoholic drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
2. No drink shall be removed from the premises in an unsealed container.
3. The licence holder or designated premises supervisor will risk assess the need for Security Industry Authority (SIA) accredited door staff should a function necessitate their presence. i.e. 18th /21st Birthday parties. If such a decision is made then details of those individuals employed including Name, DOB, SIA number and hours of duty should be documented along with any incidents they deal with that shift.
4. A drugs policy will be developed in conjunction with the police licensing officer and enforced throughout the premises.

Public safety

1. Before admission of the public is permitted, a nominated person or DPS will conduct a safety check of the licensable area and report any issues to the premises licence holder.
2. An incident book will be maintained when a licensable activity is being conducted at the premises in which shall be recorded:
 - All incidents of Crime and Disorder
 - Any sale refusals to suspected underage drinkers/drunken individuals
 - Any person refused admission or asked to leave the premises
 - Any occasion where police are called to the premises
 - Any incident involving the misuse or recovery of drugs

This book should be available for Police and the licensing authority to view to any time.

3. All outdoor/special event days will be planned in advance by the rugby club committee and the DPS.
4. An event plan will be submitted to the Licensing Authority at least 4 weeks before an event day which will outline further measures to be implemented during these events, including traffic management, admissions/capacity levels, stewarding requirements, a plan of set-up/lay out and include contingency measures.

Prevention of public nuisance

1. Bins will be provided in outdoor areas.
2. Notices will be displayed requesting the public to be respectful of local residents by keeping noise levels to a minimum when leaving the premises.
3. There shall be available on display telephone details of local taxi firms to allow quiet dispersal of guests leaving the premises.
4. Regular checks of noise pollution to be carried out by DPS or appointed person, these checks will be noted in the incident book.
5. Regulated Entertainment #OUTDOORS# to be limited to 4 occasions per calendar year.
6. Noise from Regulated Entertainment #OUTDOORS# shall be inaudible at a noise sensitive location between 23:00hrs and 10:00hrs the following day.
7. The noise level LAeq, from Regulated Entertainment #OUTDOORS#, measured for any 10 minute period at 1m from the facade of a noise sensitive location, during the event, shall not exceed the background noise level (LA90) by more than 15dB(A). No noise sensitive premises shall be exposed to an LAeq 10 minute of more than 60dB(A)
8. Prior to any Regulated Entertainment #OUTDOORS# the background noise level LA90 shall be measured for any 10 minute period, when no event is going on, but under similar conditions that will prevail. (i.e. the same time and day of the week.)

Protection of children from harm

1. Children under the age of 16 must be accompanied by a responsible adult when licensable activities are taking place on the premises.
2. Gaming machines on the premises will be sited in line with the gambling commissions' code of conduct, ensuring vulnerable persons and children do not gain access to such machines.

3. Appointed child welfare protection officers trained under the RFL appointed scheme advertised and available for assistance at all times.
4. All staff involved in the sale of alcohol should be trained in relation to the licensing objectives (this should include, service refusal skills, recognising drunkenness, dealing with incidents involving drugs) Training should be conducted at least every six months and records kept to provide an auditable trail. Such documents should be available for inspection to the Police and the Licensing Authority upon request.
 - (ii) Applicable mandatory conditions which are attached to all premises licensed for on and off sales of alcohol be attached to the licence; and
 - (iii) That the licensable operating hours will be 8:00am – 11:00pm daily (including Sundays and Public Holidays).

The meeting closed at 12.28 p.m.

LICENSING SUB-COMMITTEE	(D) Agenda Item 7
Date of Meeting: 15th December, 2016	
Reporting Officer: Senior Licensing Officer	
<p>Title: Application for a Gaming Machine Permit in Licensed Premises</p> <p>Summary: JD Wetherspoon Plc, Abbey Road, Barrow in Furness has made an application to the Licensing Authority for a Gaming Machine Permit. It is for 7 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 JD Wetherspoon Plc for a Gaming Machine Permit to site 7 gaming machines within 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 JD Wetherspoon Plc, Furness Railway, Abbey Road, Barrow (**attached at Appendix 1**) under Sch.13 Gambling Act 2005 ("the Act") for 7 gaming machines within the premises.

Furness Railway 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 7 category C 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 JD Wetherspoon Plc has been invited to Licensing Sub-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 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)

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 Sub-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.



JD Wetherspoon plc, PO Box 616, Watford, WD24 4QU | Telephone: [REDACTED]
jdwetherspoon.com

Fax: [REDACTED]

Direct Line: [REDACTED]
Direct Fax: [REDACTED]

Our Ref: [REDACTED]

18th November 2016

Barrow Borough Council
Licensing Section
Town Hall
Duke Street
Barrow-in-Furness
Cumbria
LA14 2LD



Dear Sirs

**Furness Railway, Abbey Road, Barrow-in-Furness
Application for the Variation of a Licensed Premises Gaming Machine
Permit**

Please find enclosed our application for the Variation of a Licensed Premises Gaming Machine Permit for our public house, Furness Railway, Barrow-in-Furness. We also enclose a cheque in the sum of £100.00 in respect of the fee payable.

Please process this application and provide confirmation of receipt by return.

Yours faithfully

[REDACTED]
Licensing Panel
JD Wetherspoon Plc



APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT
(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 Borough Council
Licensing Section
Town Hall
Duke Street
Barrow-in-Furness
Cumbria LA14 2LD

Section A – Applicant Details

1. Name of Applicant

JD Wetherspoon Plc

2. Date of Birth or Company registration No. as applicable

1709784

3. Address / registered office of applicant

Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL

4. Telephone number (daytime) of applicant

[REDACTED]

5. E-mail address of applicant

[REDACTED]

6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

SECTION B – Premises Details

1. Name of premises

Furness Railway...

2. Address of premises

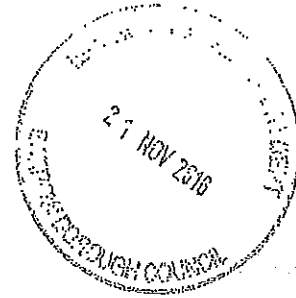
Abbey Road, Barrow-in-Furness, Cumbria, LA14 5UB

3. Telephone number of premises

4. E-mail address of premises (where available)?

5. Licensing Act 2003 Premises Licence Number

PL0229.....



SECTION C – What do you want to do?

Please indicate what you would like to do:

a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines of category C and / or D. *If you choose this option then please complete section F.*

b) Apply to the licensing authority for more than 2 gaming machines. *If you choose this option then please complete sections D and F.*

c) Apply to vary an existing permit. *If you choose this option then please complete sections D and F.*

d) Request that the licensing authority transfers an existing permit to yourself. *If you choose this option then please complete sections E and F.*

SECTION D – Grant and variation requests

1. How many gaming machines are you currently authorised to provide and how many do you wish to provide? Please complete the boxes in the table.

Category machine	Number currently authorised to provide	Number wish to provide
C	...6...	...7...
D
Total7...

2. If you are authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

.....

Section E – Transfer request

1. Name of person requesting the transfer

JD Wetherspoon plc

.....

2. Please confirm that an application to transfer the relevant Premises Licence under the Licensing Act 2003 has been:

Requested

Granted

3. Please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

.....
.....
.....

Section F – Fee and Signature(s)

1. I enclose

In all cases

- *the relevant fee*

2. I confirm that

- *the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).*

- *I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions Issued by the Gambling Commission.*

- *All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct*

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 18/11/16

Signed by or on behalf of the applicant

Name (please print).....

* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £100 by an existing operator or £150 in all other cases.

To Vary the Permit £100
To Transfer the Permit £25

**GUIDANCE NOTES: APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT**
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

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 the GRANT / VARIATION / TRANSFER of a gaming machine permit under Section 283 and Schedule 13 of the Gambling Act 2005.
2. All references to 'Premises Licence' refer to a Premises Licence under the Licensing Act 2003 authorising the sale of alcohol for consumption on the premises.
3. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. The gaming machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises, without the requirement that alcohol is served only with food.
6. The permit's duration is indefinite as it is linked to the Premises Licence. There is a first annual fee payable 30 days after the grant 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.
7. Two types of gaming machines can be located in alcohol licensed premises. These are:
 - Category C: Maximum stake = 50p / Maximum prize = £25
 - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. The holder of a licensed premises gaming machine permit 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 such a code of practice please contact your local licensing officer at the council address provided.
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.

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):



**BOROUGH OF
BARROW IN
FURNESS**

Barrow Borough Council
Licensing Section
Barrow Borough Council
Town Hall, Duke Street
Barrow-in-Furness Cumbria
LA14 2LD
Tel: 01229 876543
Fax 01229 876411
Email: commercial@barrowbc.gov.uk
www.barrowbc.gov.uk/licensing

Gambling Act 2005

GMP 020437

Licensed Premises Gaming Machine Permit

Details of Licensed Premises Gaming Machine Permit

This licensed premises gaming machine permit authorises

JD Wetherspoon Plc

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

Furness Railway

76-80 Abbey Road, Barrow In Furness, Cumbria, LA14 5UB

Number of Category C gaming machines authorised by this permit 6

Number of Category D Gaming machines authorised by this permit 0

Date on which this permit takes effect: 20/12/2013

Standard Conditions and any Special Conditions attached to this licence are attached or printed on the reverse

ENVIRONMENTAL HEALTH MANAGER

[Handwritten signature]
12/20/13
12/20/13
12/20/13

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.

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Keeping gambling fair and safe for all

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

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

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