

**Licensing Act 2003 Sub-Committee on 12 December 2006**

Report title: Application for a grant of Section 34 Gaming Permit. John Baird, 122 Fortis Green Road, London, N10 3HN

Report of: The Lead Officer Licensing

Ward(s) affected ALL AREAS

**1. Purpose**

To consider an application to grant a Section 34 permit to allow 3 machines on the premises.

**2. Recommendations**

**2.1 (a) Grant the application as asked**

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.

Report authorised by: Robin Payne.....

  
Assistant Director Enforcement Services

Contact Officer: Ms Daliah Barrett

Telephone: 020 8489 5103

**3. Executive summary**

For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence

**4. Access to information:**

Local Government (Access to Information) Act 1985

Background Papers

The following Background Papers are used in the preparation of this Report:

**File: John Baird**

The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

## 5. REPORT

### Background

**5.1** The Government has introduced an order under the Gaming Act 1968 to increase the stakes and prizes for amusement with prizes machines. This change came into effect on 27<sup>th</sup> October 2006 on the understanding that all the main industry associations will introduce enhanced voluntary codes of social responsibility.

**5.2** Section 34 of the Gaming act 1968 provides for two types of gaming machines which are:

(1) Amusement with Prizes 'coin or token' ie maximum stake 50p and maximum prize £5 cash or £8 non cash (Section 34(1) Gaming Act 1968)

(2) Amusement with prizes 'all cash' i.e. maximum stake 50p and maximum prize £35 (Section 34(5E) Gaming Act 1968).

The relevant statutory provisions are set out in Section 34 and Schedule 9 Gaming Act 1968 as amended by Licensing Act 2003 Schedule 6, paragraph 52 and Gambling Act 2005 Schedule 16, paragraphs 3 (7) and 8.

1. The premises must be licensed under the Licensing Act to sell alcohol

2. The AWP machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises.

3. A Premise License holder is a person holding a Premises License under the Licensing Act 2003.

This matter is brought before the committee as the applicants are Applying for more than 2 machines. There is no statutory limit to the number of machines allowed. The Government suggests that hearings should not be required where no more than two machines are applied for. It is standard procedure to bring before the committee any application that is requesting more than 2 machines. These premises had a permit for less machines previously granted by the Magistrates.

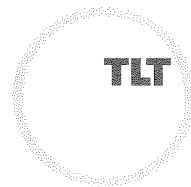
**5.3** This permit will only be active until September 2007 and will need to be applied for again after that time when the Gambling Act comes into force.

**5.4** Attached for Members information is the Code of Practice on Responsible Management.

**5.5** Finance

An application for a Section 34 permit cost £32 irrespective of the number of machines being applied for.

# APPLICATION FORM



OUR REF 30REG3/PU/05400/006348/C1800/50  
YOUR REF

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**For the attention of the Licensing Section**

DIRECT TEL 0117 917 7734      DATE 13 November 2006  
DIRECT FAX 0117 917 7566      EMAIL puren@tltsolicitors.com

AG 818741  
£32 CHS

Dear Sirs

**Application for Section 34 AWP Permit**

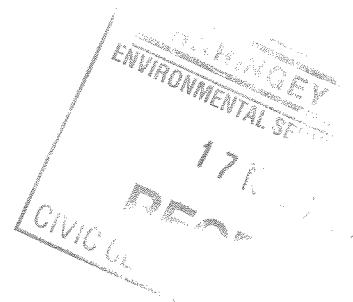
**Name of Premises: John Baird 122 Fortis Green Road London N10 3HN**

Please find enclosed an Application for Section 34 AWP Permit together with the appropriate fee.

We would be grateful if the Permit when issued can be forwarded to this office.

If you have any questions please do not hesitate to contact the writer.

Yours faithfully



**TLT LLP**

3 matters

**Gaming Act 1968 Section 34**

Application for the Grant of Permit for the Provision of Amusements with Prizes under Section 34 (5E) of the Gaming Act 1968.

Name and address of premises for which the permit is to be used.

John Baird 122 Fortis Green Road London N10 3HN

These premises are subject to a Premises Licence permitting the sale of alcohol under the Licensing Act 2003.

The Premises Licence holder and applicant for this permission is Punch Taverns Plc

The Applicant's address is Jubilee House, Second Avenue, Burton Upon Trent, DE14 2WF

The Applicant is a company.

Company registration number 03752645.

Telephone number 01283 501600.

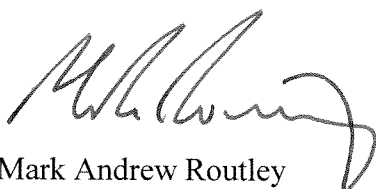
The application for a Grant of gaming permit follows a transfer application.

The main use of the premises where the machine will be situated is as licensed premises (i.e. a Public House)

The number of permits for machines for amusement with prizes that we are applying for is 3 (as existing).

I confirm that the details contained in this application form are correct to the best of my knowledge and belief.

Signed:



Print name: Mark Andrew Routley

Capacity: Authorised Solicitor and agent on behalf of the Applicant.

Date: 13 November 2006

Ref: 50/C1800/054004/6348

# CODE OF PRACTICE



**All Cash Machines (Category C):  
Code of Practice on Responsible Management**

**October 2006**

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**UNDER 18'S PROHIBITED FROM PLAYING  
AMUSEMENT WITH PRIZES MACHINES**

**(CATEGORY C)**

A black banner with white text and graphics. On the left is the Gamcare logo, a stylized 'G' with an arrow pointing right, above the word "GAMCARE". To the right of the logo is the text: "GAMBLE RESPONSIBLY", "GAMBLING SHOULD BE FUN", "IF GAMBLING IS CAUSING YOU A PROBLEM FOR CONFIDENTIAL ADVICE AND SUPPORT CONTACT:", "GAMCARE UK HELPLINE: 0845 6000 133", and "WEBSITE: www.gamcare.org.uk". On the right side of the banner is a circular sign with a diagonal slash through it, containing the text "NO UNDER 18 TO PLAY".

## **Code of Practice on Restricting Under Age Play on All Cash AWP Machines (Category C)**

The signatories to this Code have agreed to abide by its terms which restrict the age of play to 18 wherever such machines are sited.

- **Under 18 year olds are NOT permitted to play All-Cash Machines (Category C)**
- **Machines will be kept under supervision by staff**
- **Notices on machines will make it clear that no under 18s are to play.**
- **Machines must display the Gamcare Helpline Number**



**GAMBLE RESPONSIBLY**  
GAMBLING SHOULD BE FUN  
IF GAMBLING IS CAUSING YOU A PROBLEM,  
FOR CONFIDENTIAL ADVICE AND SUPPORT  
CONTACT:  
**GAMCARE UK HELPLINE: 0845 6000 133**  
**WEBSITE: [www.gamcare.org.uk](http://www.gamcare.org.uk)**



**NO UNDER  
18  
TO PLAY**

- **The signatories will ensure that operators are made aware of the revised Code and it is available to them prior to the conversion of machines to the new prize level.**



## IMPLEMENTING THE CODE OF PRACTICE

### 1. Age Control Policy

- 1.1 All units should have an Age Control Policy – ie. *no under 18s play* - to be implemented by staff in the event of an all cash machine being played by a person or persons under the age of 18 years. It is recognised that this may need to vary slightly in order to suit the needs of particular venues, but it is likely to contain the following elements:
- (a) Staff should challenge any player(s) they suspect of being under the age of 18 by asking for proof of age, eg. A PASS approved Proof of Age Card, passport or driving licence;
  - (b) In the event that the player(s) are underage, they should be told in clear terms that they are not permitted to play the machine;
  - (c) Any under age player(s) should be asked to leave the premises if they persist in playing the machine despite being advised of the *no under 18s play* policy.
- 1.2 Any adult who is knowingly or recklessly allowing a child or young person to gamble should be asked to stop. If they refuse to do so, they should be not be allowed to continue playing the machine themselves and/or asked to leave the premises.

### 2. Supervision of Machines

- 2.1 Machines should be located where they can be supervised effectively by staff.

### 3. Signage

- 3.1 All machines must display the updated "no under 18s to play" sign which carries the Gamcare Helpline Number and information on percentage payout.
- 3.2 Machines will not be converted by suppliers to the new prize level of £35 unless they display this sign.
- 3.3 Machine suppliers will provide a copy of this Code to retailers in conjunction with good practice under the BACTA Code of Practice for Machine Suppliers.

ALL CASH MACHINES (Category C)  
Code Of Practice on Responsible Management

# **NEW** £35 JACKPOT

## **British Beer & Pub Association Code of Practice**

- Under 18 year olds are **NOT** permitted to play All-Cash Machines (Category C)
- Any players suspected of being under the age of 18 will be asked for proof of age, eg. a **PASS** approved Proof of Age Card, passport or driving licence
- Underage players will be asked to leave the premises if they persist in playing the machine despite being advised of the no under 18s play policy
- Any adult allowing a child or young person to gamble will be asked to stop. If they refuse, they will not be permitted to continue playing the machine themselves and may be asked to leave the premises
- All £35 prize machines display the Gamcare Helpline Number
- Machines are kept under supervision by staff

BRITISH  
**BEER & PUB**  
ASSOCIATION

