

## 5. REPORT

### Background

- 5.1 Parkstock Ltd has applied for the grant of a licensed premises gaming machine permit under schedule 13 of the Gambling Act 2005, which specifically concerns premises that already hold a premises licence under the Licensing Act 2003. The premises are currently known as Rowans, situated at 10 Stroud Green Road London N4, the application is for 40 machines. A copy of the application is attached (plans will be shown at the hearing) at **Appendix A**.
- 5.2 Section 282 of the 2005 Act provides an automatic entitlement to make available two gaming machines (of category C or D) for use in premises that benefit from a premises licence under the Licensing Act 2003. Applicants must be holders of a Premises Licence, authorising sale of alcohol for consumption on the premises.
- 5.3 Section 283 of the 2005 Act allows for the provision of more than two Category C or D machines to be made available in premises licensed under the Licensing Act 2003, in accordance with a licensed premises gaming machine permit. An application for a gaming machine permit may be made by the holder of an 'on' licence under the Licensing Act 2003. A copy of the Premises Licence issued to Rowans is attached at **Appendix B**.
- 5.4 A licensed premises gaming machine permit lasts indefinitely, and there is no Renewal provision. A permit continues in force for as long as the premises has an alcohol licence held by the permit holder. Where a person applies to transfer an alcohol premises licence they need to apply separately for the transfer of the gaming machine permit.
- 5.5 Part 26 of the Gambling Commission's 'Guidance to Local Authorities' relates To alcohol licensed premises. This is attached at **Appendix C**. The ability to determine applications for more than 4 machines sits with the Licensing Sub Committee. The Council will decide each application on a case-by-case basis but will make its decision based on the licensing objectives and any other matters it considers relevant, which may include:
- the location and size of the premises
  - expected clientele
  - how the applicant intends to protect children and vulnerable persons from
  - Harm or being exploited by gambling
  - the measures proposed by the applicant to ensure that anyone under 18 does not have access to the adult only gaming machines, which could include:
    - a) adult machines being in sight of the bar
    - b) arrangements for supervision by staff
    - c) notices and signage
  - provision of information leaflets / helpline numbers for organisations such as "GamCare."

The applicant has been asked to submit any supporting information they feel relevant to this application. Parliament has placed no restrictions on the age at which such machines may be played (other than these played in amusement arcades). It is therefore a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age.

#### 5.4 Legal Comments

Conditions may not be attached to a permit, other than the statutory condition that the holder shall comply with any relevant provision of a code of practice issued by the Gambling Commission about the location and operation of a gaming machine.

A licensing authority may not refuse an application, or grant an application in respect of a different category or smaller number of machines than that specified in the application, unless they have notified the applicant of such an intention and given the applicant the opportunity to make representations. Such representations may be oral, written or both. In arriving at its decision Members must have regard to the licensing objectives, and relevant guidance issued by the Gambling Commission under section 25 of the 2005 Act and such other matters as they think relevant.

Members should give reasons for their decision at the time it is announced

#### 5.5 Finance

The fee which would be applicable for this application was **£100.00** irrespective of the number of machines being applied for.

## APPENDIX A – APPLICATION


WK/258155  
LN/00008787

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for  
CONVERSION / NEW / VARIATION / TRANSFER**

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

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

Enforcement Service  
LICENSING  
Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 0208 489 8232 Fax: 0208 489 5528  
Minicom: 0208 489 5549

Haringey  **URBAN ENVIRONMENT**  
Haringey Council

30 JUL 2013

**RECEIVED**  
TECHNOPARK, ASHLEY ROAD, N17 9LN

**SECTION A – What do you want to do?**

1. 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 category C and / or D  
*(if you choose this option then please complete sections D and E)*

b) Apply to **convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines)  
*(if you choose this option then please complete sections B, D and E)*

c) Apply for a **new** licensed premises gaming machine permit  
*((if you choose this option then please complete sections B, D and E)*

d) Apply to **vary** an existing licensed premises gaming machine permit  
*(if you choose this option then please complete sections B, D and E)*

e) Apply to **transfer** an existing licensed premises gaming machine permit  
*(if you choose this option then please complete sections C, D and E)*

**SECTION B – Application for grant (includes conversion, new and variation applications)**

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	.....	.....
D	.....	.....
Total	29	40

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.

N/A

Existing permit provided\*

*(reasons why existing permit cannot be provided)* .....

.....

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

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<p><b>Section C – Application for permit transfer</b> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting the transfer</p> <p>.....</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <table style="width: 100%;"><tr><td style="text-align: right;">Requested</td><td style="text-align: right;"><input type="checkbox"/></td></tr><tr><td style="text-align: right;">Granted</td><td style="text-align: right;"><input type="checkbox"/></td></tr></table> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <table style="width: 100%;"><tr><td style="text-align: right;">Existing permit provided</td><td style="text-align: right;"><input type="checkbox"/></td></tr><tr><td style="text-align: right;">Reasons why existing permit cannot be provided</td><td style="text-align: right;"><input type="checkbox"/></td></tr></table> <p>.....</p> <p>.....</p>	Requested	<input type="checkbox"/>	Granted	<input type="checkbox"/>	Existing permit provided	<input type="checkbox"/>	Reasons why existing permit cannot be provided	<input type="checkbox"/>	
Requested	<input type="checkbox"/>								
Granted	<input type="checkbox"/>								
Existing permit provided	<input type="checkbox"/>								
Reasons why existing permit cannot be provided	<input type="checkbox"/>								
<p><b>Section D – General Information</b></p> <p>7. Name of Premises      ROWANS</p> <p>8. Address of Premises      10 STROUD GREEN ROAD, FINSBURY PARK, LONDON, N4 2DF</p> <p>9. Telephone number of Premises      0208 8095511</p> <p>10. Name of existing Premises Licence holder      PARKSTOCK LIMITED</p> <p>11. Address of Premises Licence holder (if different from 8 above)</p> <p>.....</p> <p>.....</p> <p>12. Telephone number (daytime) of Premises Licence holder      AS ABOVE</p> <p>13. E-mail address of Premises Licence holder (where available)</p> <p>.....</p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant</p> <p>FRASER BROWN, SOLICITORS, 84 FRIAR LANE, NOTTINGHAM NG1 6ED, Telephone: 0115 9597139 Email: <a href="mailto:dlucas@fraserbrown.com">dlucas@fraserbrown.com</a></p> <p>15. Licensing Act 2003 Premises Licence Reference (i.e. number)</p> <p>LN000003206</p>									

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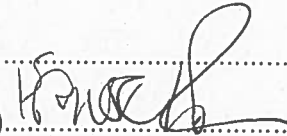
**Section E – Fee and Signature(s)**

I enclose a sum of (£X)\* (cheques should be made payable to.....) √

*I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)*

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated ..... 2013 July 2013 .....

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

Print Name..... FRASER BROWN (APPLICANT'S SOLICITOR) .....

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50.00. If you wish to have more than 2 gaming machines then the fee payable is £150.00

**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): .....

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or**  
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**CONVERSION / NEW / VARIATION / TRANSFER**

**Guidance notes:**

1. This form is to be used for the notification of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005, or for the conversion of an existing Section 34 gaming machine permit under the Gaming Act 1968, or for a new application, variation or transfer of a alcohol licensed premises gaming machine permit under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines which may be applied for although the licensing authority has some discretion in this regard. It should also be noted that the licensing authority can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (Schedule 13 paragraph 16 Gambling Act 2005). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether application for certain numbers of machines are decided via a hearing of local councillors.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable by ..... and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £x. There are no annual fees payable for 2 machines or less.
7. Sections 282 and 283, as well as SI 2007 / ..... of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £35
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission or your local Council licensing service.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.
10. Where you are notifying the local licensing authority of 2 machines or less, you may wish to request an acknowledgement of receipt of the notification. The form attached to this application can be utilised for this purpose.

**ROWANS  
10 STROUD GREEN ROAD  
FINSBURY PARK  
LONDON  
N4 2DF**

**Additional information**

This information is submitted in support of the application by Parkstock Limited for variation of the licensed premises gaming machine permit relating to Rowans, 10 Stroud Green Road, Finsbury Park, London, N4 2DF.

Rowans is a multi-entertainment centre situated on the ground and first floors of the property at Stroud Green Road.

The premises have operated for several years. They have had the benefit of a premises licence granted under the Licensing Act 2003 since the Act came into force in 2005.

The ground floor of the premises comprises a bowling alley, games area and bar.

The first floor comprises of three entertainment areas.

The full extent of the premises can be seen from the plans provided with this additional information.

The areas on each floor which are licensed for the sale of alcohol are edged red.



A licensed premises gaming machine permit was granted in respect of Rowans on 10<sup>th</sup> June 2010. A copy of the current permit is also provided with this information.

The current permit allows the provision of 29 gaming machines of category C or D. Those machines may be located anywhere within the areas on the ground and first floors which are licensed for the sale of alcohol (edged red on the plans).

Parkstock Limited, as the operator of Rowans, would wish to provide customers with the most up to date facilities including new innovations in gaming machines.

Gaming machines are now available in a format which consists of one piece of equipment with multiple player positions. Although only one piece of equipment is provided the number of player positions available determines how many gaming machines each piece of equipment will constitute.

As a consequence of the way in which the multi-player machines are regarded under the gambling legislation Parkstock Limited has determined that in order to provide the multi-player equipment they will need to seek an increase in the total number of machines which they allowed to provide under the terms of the licensed premises gaming machine permit.

After due consideration Parkstock Limited has determined that the appropriate maximum number of machines of category C or D which they would seek under the terms of the licensed premises gaming machine permit is 40.

It is in those circumstances that Parkstock Limited has submitted the application for variation of the existing permit to increase the number of machines of category C and D from 29 to 40.

Although gaming machines may be provided anywhere within the areas licensed for the sale of alcohol on the ground and first floors the plans provided in support of this additional information show indicative positions of gaming machines in the event that the application is granted. Those indicative positions demonstrate that 40 machines can easily be accommodated within Rowans given the size of the premises and the extent of the areas licensed for the sale of alcohol.

From the point of view of the legal position the Gambling Act 2005 is permissive and specifically states that licensing authorities should aim to permit premises to be used for gambling.

The Gambling Act also contains the three licensing objectives which are relevant to applications such as the one under consideration. 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.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Facilities for gambling have been provided at Rowans since the Gambling Act 2005 came into force in 2007. As previously mentioned the premises have operated with the benefit of a licensed premises gaming machine permit since June 2010.

At no time has there been any suggestion that gambling facilities have been provided at Rowans in a way which undermines any of the licensing objectives. Furthermore there is no evidence to suggest that allowing a further 11 gaming machines to be provided will be detrimental to any of the licensing objectives.

The Gambling Commission has published a code of practice for gaming machines in clubs and premises with an alcohol licence. At no time has there been any suggestion that Rowans has operated in contravention of that code of practice. There is no evidence to suggest that the provision of an additional 11 gaming machines at Rowans will lead to any breach of the code of practice.

The gambling facilities at Rowans have also been provided in accordance with the Gambling Commission's guidance to licensing authorities and the licensing authority's own statement of policy. There is no evidence to suggest that the ability to provide a further 11 gaming machines will lead to any contravention of the guidance or policy.

In summary the current application is for variation of an existing licensed premises gaming machine permit. The application seeks provision for the maximum number

of category C or D gaming machines which may be provided to be increased from 29 to 40.

Each application must be considered on its own merits. Owing to the physical size of Rowans and the extent of facilities available the ability to provide up to 11 additional gaming machines will not be detrimental in any way.

In particular allowing the ability to provide a maximum of 40 gaming machines will not have any adverse effect upon the licensing objectives, or be in breach of any code of practice and guidance issued by the Gambling Commission or contravene the policy issued by the licensing authority.

**APPENDIX B – COPY OF CURRENT PREMISES LICENCE**

## PREMISES LICENCE

Receipt: AG763300

Premises Licence Number: LN000003206

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
Unit 271, Technopark, Ashley Road, Tottenham, London N17 9LN**

Signature:.....

Date: 24<sup>th</sup> November 2005,  
16<sup>th</sup> November 2011

### Part 1 – PREMISES DETAILS

**Postal Address of Premises or, if none, Ordnance Survey map reference or description:**

**ROWANS  
10 STROUD GREEN ROAD  
FINSBURY PARK, LONDON  
N4 2DF**

Telephone: 020 8809 5511

**Where the Licence is time limited, the dates:**

N/A

**Licensable activities authorised by the Licence:**

**Regulated Entertainment:** Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Provision of Facilities for Making Music & Dancing

**Provision of Late Night Refreshment**

**Supply of Alcohol**

**The times the Licence authorises the carrying out of licensable activities:**

**Supply of Alcohol**

**Monday to Sunday                      0900 to 0400**

**Regulated Entertainment**

**Monday to Sunday                      0900 to 0400**

**Provision of Late Night Refreshment**

**Monday to Sunday                      2300 to 0400**

**The opening hours of the premises:**

**Monday to Sunday                      0900 to 0500**

LICENSING ACT 2003

Sec 24

**Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:**

Supply of alcohol for consumption **ON** and **OFF** the premises.

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:**

Parkstock Limited  
255 Green Lanes  
London  
N13 4XE

**Registered number of holder, for example company number, charity number (where applicable):**

00327001

**Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:**

Terence Stuart Harrison  
1 Oakfield Close  
Potters Bar  
Hertfordshire  
EN6 2BE

**Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:**

PER-0183

Issued by Hertsmere Council

Expires: 26<sup>th</sup> July 2015

## **Annex 1 –Mandatory Conditions**

**(2) Supply of alcohol:** No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Additional Mandatory Conditions in relation to Supply of Alcohol**

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that



## **Annex 1 –Mandatory Conditions**

an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### **Exhibition of films:**

(2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where–

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section–

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984.

### **Door supervision**

At specified times one or more individuals must be at the premises to carry out a security activity and each of these individuals must be licensed by the Security Industry Authority.

## **Annex 2 – Conditions consistent with the Operating Schedule**

The premises will operate in accordance with all relevant legislation.

The premises will promote the licensing objectives in accordance with the Section 182 Guidance.

The style and operation of the premises shall remain the same.

### **THE PREVENTION OF CRIME AND DISORDER**

The premises will liaise and co-operate with the police and participate in local Pubwatch or other equivalent scheme.

A zero tolerance policy towards illegal drugs will operate at all times.

Any drinks promotions will not adversely affect the promotion of responsible drinking.

Staff will be trained to observe the measures necessary to promote the crime and disorder objective.

A CCTV system will operate during the hours when licensable activities are provided.

Door staff may be employed at appropriate times during the hours when licensable activities are provided.

### **PUBLIC SAFETY**

The premises will operate in accordance with all relevant legislation which promotes the public safety including, but not limited to, the Health and Safety at Work etc Act 1974 and associated regulations, the Food Safety Act 1990, the Fire Precautions (Workplace) Regulations 1997 and the Disability Discrimination Act 1975.

The premises will liaise and co-operate with the Responsible Authorities.

Staff will be trained to observe the measures necessary to promote the public safety objective.

The existing fire safety precautions will be retained and maintained.

### **THE PREVENTION OF PUBLIC NUISANCE**

The premises will operate in accordance with all relevant legislation which promotes the public nuisance objective including but not limited to the Environmental Protection Act 1990 and the Noise Act 1996.

The premises will liaise and co-operate with the Responsible Authorities.

Customers will be encouraged to leave the premises in a quiet and orderly manner.

The premises will be adequately ventilated to prevent nuisance from odour.

Arrangements will be made for the storage and disposal of refuse which shall not cause a nuisance.

Any noise from the license-able activities provided will be monitored in order to prevent nuisance.

### **THE PROTECTION OF CHILDREN**

Only suitable entertainment will be provided when children are present.

No person under 18 shall be admitted to any part of the premises when adult entertainment is provided.

Any restrictions on the admission of children will be displayed outside the premises or relevant part thereof.

## **Annex 2 – Conditions consistent with the Operating Schedule**

Non-alcoholic drinks will be available.

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

If any licensed doorman or member of staff of the premises has any doubt as to the age of any potential patron, then that person will be refused entry.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans**

LODGED WITH LICENSING AUTHORITY

## APPENDIX C – GUIDANCE TO LOCAL AUTHORITIES

# 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

March 2012

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### 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.<sup>1</sup>**

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.

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<sup>1</sup> 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.

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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](http://www.gamblingcommission.gov.uk)

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

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