HARINGEY COUNCIL

Agenda Item
Page No. 1

Licensing Act 2003 Sub-Committee on 18th JUNE 2007

Report title: Application for a grant of Section 34 Gaming Permit. QUEENS HEAD, 677 GREEN LANES N8 0QY

Report of: The Lead Officer Licensing

Ward(s) affected GREEN LANES	

1. Purpose

To consider an application to grant a Section 34 permit to allow 5 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: QUEENS HEAD
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 27th 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 4 machines. These premises had a permit for 5 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.

BRITISH BEER & PUB ASSOCIATION

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

October 2006

UNDER 18'S PROHIBITED FROM PLAYING AMUSEMENT WITH PRIZES MACHINES

(CATEGORY C)



APPENDIX 1

APPLICATION FORM

SUPPLIERS OF GAMING AND
AMUSEMENT EQUIPMENT THROUGHOUT
LONDON, THE HOME COUNTIES
AND SOUTHERN ENGLAND

Directors: Paul F. Conway
G. Koss

GAMING MACHINES • C.D. SOUND SYSTEMS • POOL TABLES • BIG SCREEN T.V. SYSTEMS • ICE-MAKING EQUIPMENT
TO MEMBERS CLUBS, THE FREE TRADE, TENANTED & MANAGED ESTATES

London Borough of Haringey
Licensing Unit
Civic Centre
High Road
London N22 8LE

19th April 2007

Dear Sir/Madam

RE: QUEENS HEAD

Please find enclosed application form for a permit under Section 34 of the Gaming Act in respect of the above premises, together with the payment of £32.00.

Could you please acknowledge receipt of this application.

Should the application be successful, would you be kind enough to forward the permit to this office in order that we may photostat it for our files and we will, of course, forward the original to the applicant.

Thanking you in anticipation of your kind co-operation with the above.

Yours faithfully

5 MACHINES

MARILYN LESTER (MRS)
Licensing Administrator

KOSSWAY AUTOMATICS LTD.
Registered & Company Address: 8 The Ridgeway, Iver, Bucks. SL0 9HJ

Registered No. 747250 England
Gaming Cert. No. 200497 9BD 99/20/1.

Tel: 01753 655400
Fax: 01753 630278
e-mail: admin@kossway.com
Website: www.kossway.com

GAMING ACT 1968
section 34

Application for [grant] [renewal] of permit for the use of machines for gaming by way of amusement-with-prizes, for the purposes of section [34(1)] [34(5E)] of the Gaming Act 1968

To the (1) London Borough of Haringey

I Raymond Paul Fagan

of 677 Green Lanes, Haringey, N8 0QY

HEREBY APPLY for the [~~grant~~] [renewal] of a permit for the use of machines for gaming for the purposes of section [~~34(1)~~] [34(5E)] of the Gaming Act 1968 on the premises known as

Queens Head, 677 Green Lanes, Haringey

within the district of the above-named local authority, of which premises I [am] [~~propose, if the permit is granted, to become~~] the occupier.

The premises [are] [~~will be~~] established and conducted for the purposes of

Public House

and it is proposed to use machines of the following type(s)(2):

[all-cash amusement-with-prizes machines] FIVE

[other amusements-with-prizes machines]

[amusement machines*]

(3) [Admission to the [designated areas within the] premises will be limited to persons aged 18 or over.]

(3) [I understand that, if granted, the permit will be subject to the conditions set out in paragraph 10B of schedule 9 to the Gaming Act 1968 and that where applicable there will be other conditions for designated areas as set out in paragraph 10B (3)(b) of that schedule.]

I undertake to observe the statutory conditions applicable.

(4) [A permit, No. was granted to me by the said authority on(5)]

I enclose the sum of (6) £ , being the fee payable on this application.

Dated 19th April 2007

Signed ----------

on behalf of applicant

NOTES

Delete any words or figures within square brackets which do not apply

*Permits are not required for amusement machines other than amusement-with-prizes machines.

(1) Insert the name of the local authority within whose area the premises are situated
(2) Insert number of machines in each case
(3) To be completed only if the application is for all-cash machines for the purposes of section 34(5E) of the Act
(4) To be completed only if the application is for renewal
(5) Insert date
(6) The fee payable for a section 34(1) permit is fixed by regulations; the fee for a section 34(5E) permit is fixed by the local authority. Please enquire of the authority as to the current fee before making the application

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SECTION 34 PERMIT

AT THE LICENSING SESSIONS FOR THE PETTY SESSIONAL DIVISION OF Haringey Petty Sessions Area HELD ON THE 06.02.2004.

APPLICANT(S):
RAYMOND PAUL FAGAN of 677 GREEN LANES, HARINGEY, , N8 OQY

THE LICENSING JUSTICES FOR THE SAID PETTY SESSIONAL DIVISION HEREBY GRANT to the abovenamed applicant(s) this PERMIT for amusement machines in respect of the Licensed Premises detailed in the schedule below and subject to any conditions attached thereto.

S C H E D U L E

Name of premises : QUEENS HEAD, THE (A95)

Address of premises : 677 GREEN LANES
HARINGEY

N8 OQY

Number of Machines Authorised : 5

THIS PERMIT TO HAVE EFFECT FROM THE GRANT HEREOF UNTIL THE 04.06.2007.

GIVEN UNDER THE OFFICIAL STAMP OF THE LICENSING JUSTICES WHICH IS HERETO AFFIXED UNDER THEIR AUTHORITY BY ME,

CLERK TO THE LICENSING JUSTICES

APPENDIX 2

CODE OF CONDUCT FROM THE INDUSTRY

APPENDIX 2

CODE OF PRACTICE FROM THE INDUSTRY

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**



- **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