



**Havering**  
LONDON BOROUGH

Licensing Officer's Report



## LICENSING SUB-COMMITTEE

## REPORT

31 July 2017

**Subject heading:**

Aspen Tree  
Aspen Tree, 73 Gobions Avenue,  
Romford, RM5 3SP  
Gambling Act 2005, Vary the Number of  
Gaming Machines application  
Mr Campbell, Licensing Officer  
5<sup>th</sup> floor Mercury House  
licensing@havering.gov.uk  
01708 432766

**Report author and contact details:**

**This application for to Vary the number of Gaming Machines at a premises is made by Greene King Retailing Ltd under section 283 of the Gambling Act 2005. The application was received by Havering's Licensing Authority on 7<sup>th</sup> July 2017.**

### **Geographical description of the area and description of the building**

The premises are located on the north side of Gobions Avenue at the junction with Havering Road.

It is a detached property, 100 metres west along Gobions Avenue is a row of ten shops but apart from this all other properties in the vicinity are residential.

A map of the area is attached.

### **Details of the application**

The venue has a premises licence under the Licensing Act 2003 (copy attached)

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the local licensing authority of their intention to make gaming machines available for use.

Licensing authorities can issue gaming machine permits which allow additional category C and D gaming machines to be provided.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

The Aspen Tree currently has a Gaming Machine permit (copy attached) for 5 machines, 4 category C and 1 category D.

The Aspen Tree made a successful application to increase the number of machines from 4 to 5 in June 2015. In accordance with Havering's policy this was done with the agreement of the Chair of the Licensing Committee at that time Cllr Van den Hende

This application is for an increase to 6 machines, 5 category C and 1 category D.

The London Borough of Havering Gambling Act Policy states that any application by an alcohol premises for 6 or more machines can only be decided by the Licensing Committee or Licensing Sub-Committee

A licensing authority to whom an application is made under this Schedule shall consider it having regard to the licensing objectives, any relevant guidance issued by the Gambling Commission under section 25 and such other matters as they think relevant.

On considering an application for a permit a licensing authority shall—

- (a) grant the application,
- (b) refuse the application, or
- (c) grant it 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.

The Gambling Act 2005 licensing objectives are:-

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) Ensuring that gambling is conducted in a fair and open way, and
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

A plan showing the proposed location of the 6 machines has been requested from the applicant but not supplied by the time of submitting this report.

A plan showing the present location of the 5 machines at the venue is attached.

For information

**Machine Category – C & D Machines**

<b>Category of machine</b>	<b>Maximum stake</b>	<b>Maximum prize</b>
C	£1	£100
D non-money prize	30p	£8
D non-money prize (crane grab machines only)	£1	£50
D money prize	10p	£5
D combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)



**Havering**  
LONDON BOROUGH

Copy of Application

**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*

To: London Borough Havering  
Mercury House  
Mercury Gardens  
Romford.

**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)*

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**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	..... 4	..... 5
D	..... 1	..... 1
Total	.....	..... 6

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.

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.

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
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(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

<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>	<p>Requested <input type="checkbox"/></p> <p>Granted <input type="checkbox"/></p>
<p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p>	<p>Existing permit provided <input type="checkbox"/></p>
<p>Reasons why existing permit cannot be provided</p>	

**Section D – General Information**

7. Name of Premises **ASPEN TREE**

8. Address of Premises **GIBBONS AVENUE - COLLIER ROW Romford RMS 35A**

9. Telephone number of Premises **01708 749995**

10. Name of existing Premises Licence holder **GREENE KING.**

11. Address of Premises Licence holder (if different from 8 above) **SUNRISE HOUSE, NINTH AVENUE BURTON UPON TRENT**

12. Telephone number (daytime) of Premises Licence holder **01283 498400**

13. E-mail address of Premises Licence holder (where available) **www.greeneking.co.uk.**

14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant  
~~Poppleston Allen Licensing Solicitors~~ **ESSEX LEISURE LTD - Essex House  
21 EASTWAYS - WITHAM - ESSEX CM8 3YQ**

15. Licensing Act 2003 Premises Licence Reference (i.e. number) **1514.**



**Havering**  
LONDON BOROUGH

**Licensed Premises Gaming Machine  
Permit granted under the  
Gambling Act 2005**

<b>No: 016784</b>	
This notice confirms that:	<b>Greene King Retailing Ltd</b>
Has given notification pursuant to Section 283 of the Gambling Act 2005 of their intention to make available:	<b>Number of Category C gaming machines authorised by this permit - 4 Number of Category D gaming machines authorised by this permit - 1</b>
for use at the following premises:	<b>Aspen Tree Aspen Tree, 73 Gobions Avenue, Romford, RM5 3SP</b>
Licensing Act 2003 Premises Licence number:	<b>1514</b>
Date on which this notice takes effect:	<b>28/07/2015</b>
This notice is issued by:	<b>Licensing Section Public Protection London Borough of Havering Mercury House, Mercury Gardens, Romford, RM1 3SL</b>
 ..... Arthur Hunt Licensing Officer	Date: 28 July 2015 (3 <sup>rd</sup> Issue)
<p><i>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 Gambling Act 2005. (available at <a href="http://www.gamblingcommission.gov.uk">http://www.gamblingcommission.gov.uk</a>)</i></p> <p><b><i>This permit becomes invalid if the information ceases to be accurate.</i></b></p>	



## 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

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

#### 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.

<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.

**Code provision 3.2**

**Access to gambling by children and young persons**

**All permit holders**

- 1 Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Commission and the police, and making available information on problem gambling.

**4 Complaints and disputes**

**Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.**

**Code provision 4.1**

**Complaints and disputes**

**All permit holders**

- 1 Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises
- 2 A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
  - a) is not resolved at the first stage of the complaints procedure, and
  - b) relates to the outcome of the complainant's gambling transaction.
- 3 Permit holders should ensure that:
  - customers are told the name and status of the person to contact about their complaint
  - customers are given a copy of the complaints procedure on request or on making a complaint
  - all complaints are handled in accordance with the procedure.

**Gambling Commission August 2014**

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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.

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham B2 4BP

**T** 0121 230 6666

**F** 0121 230 6720

**E** [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**Gambling Commission August 2014**  
**ADV 14/07**

## Gaming machines in pubs

### A quick guide for premises owners



Click here for printer-friendly version

## What are my machine entitlements?

Qualifying alcohol licensed premises are entitled (under Automatic Entitlement) to provide two gaming machines of category C or D upon notification to the licensing authority (LA). Automatic Entitlements are only applicable to alcohol licensed premises, where there are bar facilities available on the premises for the sale and consumption of alcohol.



In order to site more than two category C or D gaming machines, an alcohol licensed premises gaming machine permit must be acquired from the relevant LA by application. It is then at the LA's discretion to consider the application and issue a permit.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any Automatic Entitlement to two machines.

**Where an LA has a concern about the suitability of the premises or licence holder to offer machine facilities to the public, the LA has, in certain circumstances, the power to dis-apply and remove the Automatic Entitlement.**

Category of machine	Maximum stake	Maximum prize
C	£1	£100
D non-money prize	30p	£8
D non-money prize (crane grab machines only)	£1	£50
D money prize	10p	£5
D combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

## Change of licence holder

If the licence holder ceases to be the holder of the relevant alcohol licence for the premises, the Automatic Entitlement to the two gaming machines also ceases.

Whoever applies for the new premises alcohol licence would also need to notify the LA under s.282(2) of the Gambling Act 2005 of their intention to use their Automatic Entitlement. A re-notification of the Automatic Entitlement is required only where there is a change in the alcohol licence premises holder (either due to a transfer of licence or application for new licence), not for a change in Designated Premises Supervisor/Designated Premises Manager alone.

## Machine requirements

Machines made available for use in a pub should display or have the following information available on them:

Machine category (either C or D)	Supplier details
Return to player percentage	ID plate (for machines after 2007)
No under 18s sign (category C only)	Stake to play and maximum payout
Signposting for gambling support services (eg Gamble Aware)	

It is the responsibility of the business owner to ensure the machine meets the regulatory requirements prior to making them available for use to the public. If a machine fails to meet the requirements above, it is the business owner and not the machine supplier that is liable for this failure.



Crane grab machines which have an element of chance are category D gaming machines. For further information on these machines see:

- Skill with prize machines: A quick guide for licensing officers
- Non-complex cat D gaming machines

## Sourcing machines

All machines must be sourced and maintained by a Gambling Commission licensed supplier. There are certain maintenance and repair activities which may need to be carried out on a day-to-day basis, for which additional licences or permits are not required. For more information visit the [gaming machines](#) section of our website.

Machines supplied by an unlicensed machine supplier are considered illegally supplied machines and pose a serious threat to the licensing objectives.

If a machine is illegally supplied this poses a risk to the first licensing objective of keeping crime out of gambling. A machine that does not meet the regulations and technical standard requirements may also risk the fair and open licensing objective and therefore pose a risk of harm to members of the public interacting with these machines.

If you have any concerns about a supplier or wish to verify that they are licensed by the Gambling Commission you can do so by [visiting the register](#) on our website or contact our confidential intelligence line (0121) 230 6655.

A machine ID plate and supplier details may, in some cases, be found on the same plate or sticker, particularly where a manufacturer is also the supplier. Displaying supplier details directly on the machine is not a statutory requirement; however an operator should have and be able to share knowledge of their supplier and their details where necessary.





## What are my responsibilities?

Pubs that choose to make machines available to the public must only do so during the hours that the premises licence allows the sale of alcohol. They should also adhere to the ***Code of practice for gaming machines in clubs and premises with an alcohol licence***. This is also available on the British Beer and Pub Association website, alongside with further information on additional responsibilities.

The code of practice particularly emphasises the importance of preventing underage access to machines not suitable for those under 18 (category C and above). It is the responsibility of the Designated Premises Supervisor to ensure that any machines made available on the premises are supervised either by staff or other means, in order to prevent under-age access on under 18 prohibited machines.

In circumstances where a pub function room may be open for hire, any machines available in the functions room may be available for use\* under the alcohol premises licence. Therefore the code of practice applies and must be upheld in the function room also, in particular regarding supervision.

## Machines games duty

For machines where at least one of the prizes on offer is cash, and it is more than the smallest cost to play the machine, you must pay Machine Games Duty (MGD).

If MGD applies to you, you'll need to register and complete regular returns. For further details visit: [www.gov.uk/who-pays-machine-games-duty](http://www.gov.uk/who-pays-machine-games-duty)

## Further information on our website

- [Poker in pubs - a quick guide](#)
- [Facilitating betting in pubs and clubs is illegal](#)

\* We consider that a gaming machine is 'available for use' if a person can play it. If a customer is able to put a machine into use for example, by switching it on at the mains or simply removing a notice on the screen – it is also considered as available for use.

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



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Map of the area

