

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 16 July 2014; 9.30am

[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 4 June 2014



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- 1 **Minutes for 11 June 2014 (pages 2-3)**
- 2 **Apologies**
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 **To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.**

Part A Matters for Decision

- 6 **Application for Club Gaming Machine Permit issued under the Gambling Act 2005 for Social Clubs located at: (pages 4 – 35)**
 - a) **Tesco Store at Honiton**
 - b) **Tesco Store at Seaton**
 - c) **Tesco Store at Axminster**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties Have agreed a hearing is unnecessary (pages 36-37)**

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate)

[Recording the meeting](#)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 11 June 2014

Present: Councillors:
Steve Hall (Chairman)
Jim Knight

Officers: Giles Salter - Solicitor
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

Also Present: Councillors:
Tom Wright

The meeting started at 11.00am and ended at 11.05am.

*3 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 14 and 20 May 2014, were confirmed and signed as a true record.

*4 Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Steve Hall	*3	Personal	Resident of Budleigh Salterton.

*5 Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the applications and the negotiations carried out.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the variation of a premises licence	The King Billy, 53 High Street, Budleigh Salterton, Devon, EX9 6LE.	Following mediation the applicant and the Budleigh Salterton Town Council have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The application be approved as submitted subject to the following amendments:

		1. That the hours for the sale of alcohol be reduced to end at 12 midnight on Monday to Sunday.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date

Report to: **Licensing and Enforcement Sub Committee**

Date of Meeting: 16 July 2014

Public Document: Yes

Exemption: None



Agenda item: **Item 6**

Subject: **Applications for a Club Gaming Machine Permit issued under the Gambling Act 2005 for Social Clubs located at:**

- (a) Tesco Store at Honiton**
- (b) Tesco Store at Seaton**
- (c) Tesco Store at Axminster**

Purpose of report: The report serves as an update to the Sub Committee following their adjournment of these applications on the 14 May 2014. The purpose of the adjournment was to allow the opportunity of the Sub Committee members to visit each store and where possible speak to Social Club committee members. In addition the Sub Committee requested that the clubs provide further evidence that a properly constituted members club existed at all three stores. Evidence to include that there are properly elected officers, minutes of annual general meetings and at least two years of accounts. This report should be read in conjunction with the original report that was prepared for the Sub Committee meeting on the 14 May 2014. Both reports have been prepared to enable members to examine the applications and determine if the permits should be granted. A Club Gaming Machine permit will permit up to three gaming machines each of which must be of either Category B, C or D.

Recommendation: **That members consider these applications for the issue of Club Gaming Machine Permits for the three Social Clubs at the Tesco Stores at Honiton, Seaton and Axminster and decide whether to grant or refuse the applications**

Reason for recommendation: To comply with statutory processes.

Officer: Steve Saunders, Licensing Officer, Ext. 2014
Direct Dial: 01395 51741, Email: ssaunders@eastdevon.gov.uk

Financial implications: There are no financial implications other than possible costs if an appeal against a refused decision is successful.

Legal implications: The Legal implications are set out within the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

Appendices:

Appendix P - Gambling Commission non-statutory advice to licensing authorities on club permits and club machine permits dated April 2011

Appendix T - Documents produced by the Honiton Social Club. These include (1) a list of committee members as of January/February 2014, (2) Minutes of a meeting dated 29 April 2014 and (3) a copy of a bank statement for the period April-May 2014.

Appendix U - Documents produced by the Seaton Social Club. These include (1) a monthly record for July 2013 of the club's income and expenditure, (2) a typed copy of the club's 'account summery' for the period 01.12.2012 to 17.07.2013 and (3) photocopy of the front pages of Yorkshire Building Society account book.

Appendix V - Letter to Mr Richards and copied to all three clubs to explain reasons for the adjournment and offering meeting dates.

Background Papers:

- Gambling Act 2005
- Gambling Commission Guidance to Licensing Authorities
- District Council's Gambling Act 2005 Licensing Policy
- Application From X 3 for Club Gaming Machine Permits for Social Clubs at the Tesco Stores at Honiton, Seaton and Axminster

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Report in full

1 Application and Premises Details

- 1.1 Three applications under the Gambling Act 2005 have been received from John Richards of the Free Enterprise Group based in Somerset. These request club gaming machine permits that will, if granted entitle up to three gaming machines to be sited in each of the staff canteen rooms at:
- (a) Tesco store Honiton,
 - (b) Tesco store Seaton and
 - (c) Tesco store Axminster

Mr Richards is a gaming machine supplier licensed by the Gambling Commission. He is making these applications as the agent for the three clubs.

- 1.2 These applications were considered by the Sub Committee on Wednesday 14 May 2014. Following consideration of these applications members adjourned all three applications to enable them to visit the three club premises and meet an officer from each club. The Sub Committee further asked to see evidence that a properly constituted club existed at each of the stores. This evidence to show that there were elected officers and that there were minutes of meetings and in particular annual general meetings and club accounts for at least two years.
- 1.3 Mr Richards offered to liaise between the Licensing Authority and Clubs to help convene a single meeting for all three stores. A letter dated the 21 May 2014 (**Appendix V**) was sent to Mr Richards and copied to all three clubs from the Licensing Manager detailing the reasons for the adjournment and offering dates for a meeting with the clubs.

- 1.4 Unfortunately despite Mr Richards's attempts it has not been possible to arrange meetings with the various club officers as they have explained that they are not able to spare the time to attend a meeting.
- 1.5 The **Axminster Tesco** club has not supplied any further documentation to support their application. When Mr Richards indicated that none of the club officers would be able to meet the Sub Committee the Chairman of the Licensing and Enforcement Committee confirmed that it was still the Sub Committee's wish to visit the Axminster Club premises. This visit was arranged with the Store's Management and took place on Tuesday, 10 June 2014. Councillors Hall and Stott attended with Steve Saunders (Licensing Officer) and John Tippin (Licensing Manager). Both Councillors accompanied by the officers visited the store's canteen (club room). Also present was the store's HR manager and a Mr Tony Parsons who is understood to be the club chairman. He had not been expected but it seems as he was working on the day at the store he was called to the meeting by the HR manager. Unfortunately not long after the start of the visit Mr Parsons abruptly left the meeting saying he was too busy to remain.
- 1.6 The Councillors were able to view the room and the access to it which was from the corridor leading to the store's public toilets. It was noted that there was no form of security on the door to prevent members of the public entering. Members also learnt that the room already contained a quiz/skills machine supplied by Mr Richards but that this would be removed and replaced by a gaming machine if the permit was granted. There was no proper supervision of the area which is in use 24 hours a day by staff members however during parts of the day there are canteen staff present.
- 1.7 After the departure of Councillors Hall and Stott the store's HR manager approached the officers to seek further information about the application and in particular what the permit, if granted would permit. After talking to the officers she indicated that she was uncomfortable with what was proposed and would be discussing the application with the store manager. She has since informed the Council that Tesco has instructed the club to withdraw their application. To date no confirmation of this instruction has been received from the applicant club or from Mr Richards although it has been discussed with Mr Richards. It is hoped to obtain clarification of the position before the date set for this hearing.
- 1.8 Although the Sub Committee has not visited the 'clubs' at Honiton and Seaton both clubs have supplied the following documentation:

Tesco Honiton – The club has supplied three documents (**Appendix T**):

- (a) A list of committee members as of January/February 2014
- (b) Minutes of a meeting dated 29 April 2014 and
- (c) A copy of a bank (HSBC) statement for the period April-May 2014

Tesco Seaton – The club has supplied three documents (**Appendix U**):

- (a) A monthly record for July 2013 of the club's income and expenditure
- (b) A typed copy of the club's 'account summery' for the period 01.12.2012 to 17.07.2013 and
- (c) Photocopy of the front pages of a Yorkshire Building Society account book.

2 Applications Evaluation

- 2.1 The original hearings were adjourned to enable the 'clubs' a further opportunity to supply evidence that a properly constituted members club existed for each of the stores. The Sub Committee asked the clubs to supply copies of minutes of meetings, particularly annual general meetings and at least two years of accounts. It is the officers' view that the clubs have failed to supply the majority of what had been requested.

2.2 **Axminster Tesco** – No additional documentation has been supplied. In fact this club has supplied very little evidence in support of its application especially to show that it is operating as a properly constituted club.

2.3 **Tesco Honiton** – The club supplied three documents (**Appendix T**):

- (a) A list of committee members as of January/February 2014
- (b) Minutes of a meeting dated 29 April 2014 and
- (c) A copy of a bank (HSBC) statement for the period April-May 2014

The application for a Club Gaming Machine permit was received by the Council on the 20 January 2014. All the documents supplied to prove the existence of the club are dated either in January 2014 or after that date. No Annual General meeting minutes have been provided although officers have been informed that it is normal practice for a club to be set up at each store when it first opens. No annual accounts approved by an AGM have been supplied.

2.4 **Tesco Seaton** – The club supplied three documents (**Appendix U**):

- (a) A monthly record for July 2013 of the club's income and expenditure
- (b) A typed copy of the club's 'account summery' for the period 01.12.2012 to 17.07.2013 and
- (c) Photocopy of the front pages of a Yorkshire Building Society account book.

The application for a Club Gaming Machine permit was received by the Council on the 5 March 2014. In this case the documents supplied purport to cover dates back to 1 December 2012. However no copies of minutes of any type of meeting have been furnished. Before the documents arrived the Council was informed that as the store had not been opened for long they had not held an Annual General Meeting. However it is known that the store opened at the start of 2012 and as mentioned in the previous paragraph officers have been informed that it is normal practice for a club to be set up at each store when it first opens. In addition the Club Balance Account Summery now furnished by the club shows an opening balance dated 1 January 2012. If this document is genuine it means the club has been in existence for at least 18 months. The Council did explain in its letter to the club dated 21 May that Members appreciated that the Seaton store only opened at the end of 2011 so whilst there may not have been two sets of AGM minutes available at least there should have been minutes of the club's inauguration meeting for members to see.

3 Conclusion

3.1 Whilst Mr Richards will no doubt remind the Sub Committee that numerous similar applications for club gambling machine permits have been granted by other Councils throughout the country implying that they cannot all be wrong and that the East Devon Licensing Authority should grant the permits. Whilst a number of permits have been issued by other Councils the circumstances may well have been different to the applications this Council is currently considering. Even if the circumstances are the same the mere fact that other Councils have granted permits does not mean that those other Councils issued the permits correctly. The Licensing Manager is aware that some Gambling Commission officers have reservations over the grant of Club Gambling Machine permits in these circumstances.

3.2 Officers remain of the opinion that whilst there may be some form of 'association' at the three stores that run social events for those employed at the stores there has been no convincing evidence produced to show that these associations are run as genuine members clubs. For example there has been no evidence supplied to show that AGMs are

held or even if the clubs were initially properly inaugurated including the adoption of a constitution. Neither has there been evidence supplied that officers have been properly elected or even what members' voting rights are.

- 3.3 No evidence has been supplied to date to show that any of these applications have been democratically agreed by the respective club committees. The Licensing Manager recalls that in November 2011 an application was made for a Club Gaming Machine permit for Tesco's Seaton Store. At the time the store had not opened and a check with the manager confirmed that a staff club did not even exist. As a result the application was not accepted and the application fee returned.
- 3.4 The Sub Committee needs to decide after hearing from the applicants' agent, Mr Richards, whether the "Social Clubs" are genuine properly run clubs as required in the Gambling Act 2005, Schedule 12 paragraph 6(10)(a). In order to assist in making their decision members may wish to refer to the Gambling Commission's non-statutory guidance reproduced at **Appendix P** "Advice to licensing authorities on club gaming permits and club machine permits: Gambling Act 2005" (second edition, April 2011). Members may find paragraphs 4.2 and 4.3 useful. Although not a statutory requirement these paragraphs provide a useful list of matters which the Sub Committee can consider in deciding whether the three applicant clubs are bona fide members' clubs.
- 3.5 Finally members are reminded that the only options when finalising their decision is to grant or to refuse an application for a club gaming machine permit. There is no option to partially grant or place conditions on a permit. Where a licensing authority rejects an application for the issue or renewal of a permit the applicant (the Club) may appeal to the Magistrates Court.

Legal Advice

- 1.1 The Gambling Act 2005 ("the Act") came into force on 1 September 2007. Section 273 of the Act allows three gaming machines in Categories B, C and D to be made available on premises on which a members' club operates under a club machine permit.
- 1.2 Section 266 of the Act defines a "members club". It means a club
 - (a) which is established and conducted wholly or mainly for purposes other than the provision of facilities for gaming....
 - (b) which is established and conducted for the benefit of its members....
 - (c) which is not established for the purpose of functioning only for a limited period of time
 - (d) which has at least 25 individual members.
- 1.3 The procedure for applications for club gaming machines is governed by Schedule 12 of the Act. Schedule 12, paragraph 6 sets out only five grounds upon which an application for a club gaming machine permit may be refused.

6(1) A licensing authority may refuse an application for a permit only on one or more of the following grounds (having regard to the matters mentioned in paragraph 27)—

 - (a) that the applicant is not—
 - (i) in the case of an application for a club gaming permit, a members' club or a miners' welfare institute, or

- (ii) in the case of an application for a club machine permit, a members' club, a commercial club or a miners' welfare institute,
 - (b) that the premises on which the applicant conducts its activities are used wholly or mainly by children, by young persons or by both,
 - (c) that an offence, or a breach of a condition of a permit, has been committed in the course of gaming activities carried on by the applicant,
 - (d) that a permit held by the applicant has been cancelled during the period of ten years ending with the date of the application, or
 - (e) that an objection to the application has been made under paragraph 4.
- (2) If a licensing authority are satisfied in relation to an application for a permit of the matters specified in sub-paragraph (1)(a) or (b), they shall refuse the application.

Only the first clause is relevant to this application

- 1.4 The Licensing Sub-Committee is obliged by section 25 (2) of the Act to have regard to the Gambling Commission's Guidance to Local Authorities.

"25.34 In England and Wales, there are a number of premises, such as work premises which operate membership-based social clubs, that are not licensed to sell alcohol but are allowed to apply for a club machine permit. Before granting the permit the licensing authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18 years of age."

- 1.5 The Commission has also offered not-statutory guidance in the form of its Advice to licensing authorities on club gaming permits and club machine permits: Gambling Act 2005 (Second edition, April 2011).

Paragraphs 4.2, 4.3, and 4.5 are particularly useful in this case. They are not statutory requirements, and they do not all need to be satisfied for the club to be a members' club. It provides a useful list of matters which a Licensing Sub-Committee may wish to consider in deciding whether the applicant is a *bona fide* members' club.

4.2 In determining whether a club is a genuine members' club, the LA should take account of a number of matters, such as:

- *Is the primary purpose of the club's activities something other than the provision of gaming to its members? This is an indicator that it's a genuine members' club.*
- *Are the profits retained in the club for the benefit of the members? This is the key difference between a members' club and a commercial club.*
- *Are there 25 or more members? This is the amount a club has to have to qualify.*
- *Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club? These are all indicators that the member lists are bona fide and are made up of genuine members.*
- *Do members participate in the activities of the club via the internet? It is less likely to be a genuine members' club if this is the case.*
- *Do guest arrangements link a member to every guest? Is there evidence of a signing in register for guests? Guests must be genuine guests of members and not members of the general public.*⁵
- *Is the 48 hour rule between applying for membership and participating in any gaming properly applied? This is an indication that the club has a proper membership scheme.*

- *Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.*
- *How is the club advertised and listed in directories, including on the internet? If the club is categorised under “gaming” or “poker”, it is less likely to be genuine members’ club.*
- *Are children permitted into the club? The more access they have to areas of the premises, the less likely it is that the club is primarily for gambling activities.*
- *Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted members’ club.*
- *Does the club have a constitution and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted members’ club.*

4.3 The constitution of the club could also indicate whether it is a legitimate members’ club. Amongst the things to consider are the following:

- *Who makes commercial decisions on behalf of the club and what are the governance arrangements? Clubs are normally run by a committee made up of members of the club, rather than individuals or managers, who make decisions on behalf of the members. There will normally be a system (consultation, voting, paper ballots, annual general meetings, special meetings, etc) which allows members to be involved in major decisions concerning the management and running of the club. Such arrangements would be spelt out in the constitution.*
- *Are the aims of the club set out in the constitution? A lack of aims or aims which involve gaming could indicate that it is not a genuine members' club.*
- *Are there shareholders or members? Shareholders would indicate a business enterprise linked to a commercial club.*
- *Is the members’ club permanently established? Clubs can’t be temporary and must be permanent in nature*
- *Can people join with annual or quarterly membership? This would indicate that the club is permanent in nature.*
- *Are there long term membership benefits? This would also indicate that the club is permanent in nature and that it is a genuine members' club. The benefits of membership would normally be set out in the rules of membership.*

4.5 The Commission advises that a visit to the premises before granting of the permit may assist the licensing officer to understand how the club will operate.

- 1.6 On considering an application for a club gaming machine permit a licensing authority shall -
- grant the application, or
 - refuse the application.
- 1.7 A licensing authority may not attach conditions to a permit.
- 1.8 As soon as is reasonably practicable after granting an application, a licensing authority shall issue a permit to the applicant.
- 1.9 As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of:
- the refusal, and
 - the reasons for it.

2. Human Rights Act 1998

- 2.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.
- 2.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Gambling Act 2005 are compliant with Article 6.
- 2.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Gambling Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 2.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Gambling Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 2.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Gambling Act 2005, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

3. Appeals

- 3.1 If the sub-committee refuses to issue the permit the applicant may appeal within 21 days of notification of the decision to the Magistrates' Court. The magistrates' court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates' court may make any costs order it thinks fit.

4. Review provision

- 4.1 The Gambling Act contains review provisions which enable the Licensing Authority to cancel the permit or vary the number of machines allowed on the permit if it thinks that the objectives of the Act cannot reasonably be met, or gaming has taken place on the premises

other than in accordance with the permit or the conditions, or the premises are mainly used for making gaming machines available, or an offence under this Act has been committed. The Licensing Authority must give at least 21 days notice if cancelling or varying a permit, consider representations made by the permit holder, hold a hearing if the permit holder requests one, and comply with any prescribed requirements for the procedure to be followed in considering whether to cancel or vary a permit.

**GAMBLING
COMMISSION**

**Advice to licensing authorities on club
gaming permits and club machine
permits: Gambling Act 2005
Second edition**

April 2011

Introduction

The Gambling Act 2005 (the Act) introduced a range of permits for gambling which are granted by licensing authorities (LAs). Permits provide a means to offer gambling where the stakes and prizes are low or where the gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in specific premises.

The purpose of this advice note is to set out a number of matters that LAs should consider before a permit is issued and once the permission has been granted. This note should be read in conjunction with:

- Parts 25 and 29 of the Gambling Commission's (the Commission's) *Guidance to Licensing Authorities*
- the Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence
- the Commission's gaming machine permits code of practice and Schedule 12 to the Act, which contains the provisions relating to club gaming permits and club machine permits.

This advice note does not constitute guidance for the purposes of section 25 of the Act.

1 Defining clubs, miners' welfare institutes and alcohol-licensed premises

- 1.1 The Act defines alcohol-licensed premises and two types of club for the purposes of gaming, namely members' clubs (including miners' welfare institutes) and commercial clubs. This is an important distinction in respect of the gaming that may take place. In particular, when determining whether a club is able to apply for and be issued with a permit, the LA must consider whether the club is a genuine members' club or a commercial club within their meaning in the Act.

Members' club

- 1.2 A members' club is a club that is not established as a commercial enterprise, and is conducted for the benefit of its members. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations. Members' clubs may apply to their local LA for club gaming permits and club machine permits.
- 1.3 The Act prescribes that members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is restricted to bridge and whist. Members' clubs must be permanent in nature, but there is no need for a club to provide alcohol.
- 1.4 Before granting a club gaming permit which, for example, will permit the playing of poker with unlimited stakes and prizes, LAs must satisfy themselves that the club is not wholly or mainly devoted to gaming (including poker). Even if a club offers other sport and activities, if the majority of the club's activities is gaming judged by income, time spent on activities or some combination of these measures, then the club's purpose will not be 'wholly or mainly' for purposes other than gaming. Those clubs that hold club gaming permits and conduct themselves in such a way that gaming is the main activity, are in breach of the Act and may render themselves liable to prosecution by the LA.
- 1.5 Clubs that offer poker as the main activity or on a commercial basis must have a casino operating licence and premises licence.

Miners' welfare institute

- 1.6 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by a group of individuals made up of at least two thirds of miners'

representatives or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

- 1.7 Miners' welfare institutes may apply for club gaming permits and club machine permits.

Commercial club

- 1.8 A commercial club is a club established for commercial gain (whether or not they are making a commercial gain). Examples include snooker clubs, clubs established as private companies and clubs established for personal profit. There are established tests to determine a club's status. In case of doubt, legal advice should be sought. Commercial clubs may only apply for club machine permits.
- 1.9 The Act prescribes that commercial clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is restricted to bridge and whist. Commercial clubs must be permanent in nature, but there is no need for a club to have an alcohol licence.
- 1.10 Even if a commercial club offers other activities, if the majority of the club's activities is gaming (including poker) judged by income, time spent on activities or some combination thereof, then the club's purpose will not be 'wholly or mainly' for purposes other than gaming.
- 1.11 Clubs that offer poker as the main activity or on a commercial basis must have a casino operating licence and premises licence.

Alcohol-licensed premises

- 1.12 Premises which are covered by an on-premises alcohol licence authorising the supply of alcohol for consumption on licensed premises under Part 3 of the Licensing Act 2003 or, in Scotland, the Licensing (Scotland) Act 2005 can offer certain types of gaming. The Act stipulates that the premises must contain a bar at which alcohol is sold and, in addition, that there is no condition on the alcohol premises licence which requires that alcohol can only be served with food. This means that the premises must be dedicated bar premises as opposed to restaurant type premises. These premises are referred to as alcohol-licensed premises in this document.
- 1.13 Gaming and the use of gaming machines is only permitted on these premises during the hours that the premises licence allows the sale of alcohol. Premises which are not clubs, but sell alcohol, are not able to apply for club gaming or club machine permits.

2 Permitted and exempt gaming in clubs, miners' welfare institutes and alcohol-licensed premises

- 2.1 The Act creates two types of equal chance gaming permissible in clubs, miners' welfare institutes and alcohol-licensed premises: 'permitted gaming' and 'exempt gaming'.

Permitted gaming

- 2.2 Permitted gaming is equal chance gaming and two bankers' games, pontoon and chemin de fer, permissible through the grant of a club gaming permit. A club gaming permit can only be granted to a members' club or miners' welfare institute. A club gaming permit cannot be granted to a commercial club or other alcohol-licensed premises.
- 2.3 Other than in the case of clubs established to provide the prescribed games of bridge and whist, clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. Where a club gaming permit is granted there are no limits on the stakes and prizes associated with permitted gaming.

Exempt gaming

- 2.4 Exempt gaming is equal chance gaming generally permissible in any members' club, miners' welfare institute, commercial club or alcohol-licensed premises. Such gaming must be ancillary to the purposes of the premises. This exemption is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 2.5 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol-licensed premises¹. Different, higher stakes and prizes are allowed for exempt gaming in clubs². These limits are set out in the attached appendix.
- 2.6 Exempt gaming must be supervised by a nominated gaming supervisor and comply with the Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence, issued under section 24 of the Act.

3 Conditions on club gaming permits

- 3.1 Club gaming permits are only available to members' clubs and miners' welfare institutes. The Act sets out conditions that a club must meet to get a club gaming permit. They are:

(a) in respect of equal chance gaming:

- the club or institute must not deduct or levy money from sums staked or won
- the participation fee must not exceed the amount prescribed in regulations
- the games must take place on the premises and must not be linked with a game on another set of premises. Games are considered to be linked if:
 - the result of one game is, or may be, wholly or partly determined by reference to the result of the other games
 - the amount of winnings is wholly or partly determined by the participation of more than one set of players
 - the game is split by sites so that part of one game is played on one site and another part is played elsewhere
- each person who participates must be:
 - a member of the club or institute who applied for membership, was nominated for membership, or became a member, at least 48 hours before he participates, or
 - a guest of a member of the club or institute³
- the holder complies with the Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

(b) in respect of other games of chance:

- the games are prescribed in regulations - currently only pontoon and chemin de fer are prescribed
- no participation fee is charged otherwise than in accordance with the regulations
- no amount is deducted or levied from sums staked or won otherwise than in accordance with the regulations
- the public, children and young persons must be excluded from any area of the premises where the gaming is taking place
- each person who participates must be:
 - a member of the club or institute who applied for membership, was nominated for membership, or became a member, at least 48 hours before he participates, or

¹ The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007 (SI 2007/1940).

² The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007 (SI 2007/1944).

³ Existing case law may assist in determining whether a person is a "bona fide guest" of a member. The case of *Mackley v Ladup Ltd* (1974) 139 JP Jo 121 sets out guidelines in determining whether a guest is legitimate or not. In particular, if the court finds that (i) the person invited as a guest had no previous acquaintance with the member, and (ii) the sole reason for the invitation was to allow the invitee to take advantage of the gaming facilities, then the person invited is unlikely to be considered to be a genuine guest of a member.

- a guest of a member of the club or institute.⁴

(c) *in respect of gaming machines:*

- that no child or young person uses a category B or C machine on the premises
- that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

3.2 Applicants for club gaming permits must also agree to abide by the Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

4 Factors to consider when granting a club gaming permit

4.1 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. It is suggested that applicants for permits should be asked to supply sufficient information and documents to enable the LA to take account of the matters discussed in paragraphs 4.2 to 4.4, at the time they submit their applications to the LA.

4.2 In determining whether a club is a genuine members' club, the LA should take account of a number of matters, such as:

- Is the primary purpose of the club's activities something other than the provision of gaming to its members? This is an indicator that it's a genuine members' club.
- Are the profits retained in the club for the benefit of the members? This is the key difference between a members' club and a commercial club.
- Are there 25 or more members? This is the amount a club has to have to qualify.
- Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club? These are all indicators that the member lists are bona fide and are made up of genuine members.
- Do members participate in the activities of the club via the internet? It is less likely to be a genuine members' club if this is the case.
- Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests? Guests must be genuine guests of members and not members of the general public.⁵
- Is the 48 hour rule between applying for membership and participating in any gaming properly applied? This is an indication that the club has a proper membership scheme.
- Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.
- How is the club advertised and listed in directories, including on the internet? If the club is categorised under "gaming" or "poker", it is less likely to be genuine members' club.
- Are children permitted into the club? The more access they have to areas of the premises, the less likely it is that the club is primarily for gambling activities.
- Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted members' club.
- Does the club have a constitution and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted members' club.

4.3 The constitution of the club could also indicate whether it is a legitimate members' club.

Amongst the things to consider are the following:

- Who makes commercial decisions on behalf of the club and what are the governance arrangements? Clubs are normally run by a committee made up of members of the club, rather than individuals or managers, who make decisions on behalf of the members. There will normally be a system (consultation, voting, paper ballots, annual

⁴ See footnote 3.

⁵ See footnote 3.

general meetings, special meetings, etc) which allows members to be involved in major decisions concerning the management and running of the club. Such arrangements would be spelt out in the constitution.

- Are the aims of the club set out in the constitution? A lack of aims or aims which involve gaming could indicate that it is not a genuine members' club.
- Are there shareholders or members? Shareholders would indicate a business enterprise linked to a commercial club.
- Is the members' club permanently established? Clubs can't be temporary and must be permanent in nature
- Can people join with annual or quarterly membership? This would indicate that the club is permanent in nature.
- Are there long term membership benefits? This would also indicate that the club is permanent in nature and that it is a genuine members' club. The benefits of membership would normally be set out in the rules of membership.

4.4 Other than bridge and whist clubs, which are separately catered for in regulations, a club cannot be established wholly or mainly for purposes of gaming. In applying for a club gaming permit, a club must therefore provide substantial evidence of activities other than gaming. Useful questions which a LA should consider include:

- How many nights is poker made available? If poker is available for all or most nights with little other activity, then it is likely that the club is established wholly or mainly for gaming.
- Is the poker advertised? If poker is advertised with little or no reference to the other activities of the club, then it is likely that gaming is the main activity of the club and that the poker is run commercially.
- What are the stakes and prizes offered? The stakes and prizes limits must be complied with. Unlimited stakes and prizes are only available to genuine members' clubs once a club gaming permit has been granted. If high stakes and prizes are offered, this is also likely to indicate that gaming is one of the main activities of the club.
- Is there evidence of leagues with weekly/monthly/annual winners? This could indicate that the club's main activity is gaming.
- Is there evidence of non-playing members? If members play poker exclusively, this is an indication that the main or only activity of the club is poker.
- Are there teaching sessions to promote poker? This could be evidence that the club's main activity is poker.
- Is there tie-in with other clubs offering poker through tournaments or leagues? This is also an indication that poker is possibly one of the main activities of the club.
- Is there sponsorship by poker organisations, for example on-line poker providers? Similarly, this could indicate that poker is one of the main activities of the club.
- Are participation fees within limits? The LA could consider club records and adverts for gaming, etc. Fees that exceed the limits could indicate that the gaming is run commercially.

4.5 The Commission advises that a visit to the premises before granting of the permit may assist the licensing officer to understand how the club will operate.

5 Conditions on exempt gaming and gaming under a club machine permit

5.1 The Act allows all clubs and miners' welfare institutes to offer machine gaming under a club machine permit. Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that, in respect of gaming machines, no child or young person uses a category B or C machine on the premises and that the holder complies with the Commission's code of practice about the location and operation of gaming machines. Clubs do not have to have permanent premises or to provide alcohol.

- 5.2 The Act also permits clubs and premises with an alcohol licence to offer "exempt gaming" under section 279 of the Act. This is non-machine gaming and is subject to the following conditions:
- the gaming must comply with the regulations set by Secretary of State that limit the stakes and prizes
 - there must not be a levy on the sums staked or won
 - there must be no entry or participation fees
 - the gaming offered must not be linked to gaming in other premises
 - the gaming complies with the Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence
 - no person under 18 may participate in the gaming.
- 5.3 The regulations set out the stakes and prizes limits that apply to exempt gaming. These are summarised in the attached appendix. A similar table is attached to the code of practice on equal chance gaming in clubs and premises with an alcohol licence, and the *Guidance to Licensing Authorities*.

6 Factors to consider for exempt gaming and gaming under a club machine permit

- 6.1 The LA should satisfy itself that the poker on offer meets the conditions set out in the Act and relevant regulations. To do this the LA may wish to ask questions of the applicant or ensure that exempt gaming complies with these conditions. The conditions are:
- There must be no rake from the pot (that is, the organiser cannot take any money from the prize fund, or deduct money from the stakes or winnings). LAs should examine the records for gaming or, if possible, observe or get statements about the pot.
 - There must be no side bets. This is probably only going to be possible to verify through observation.
 - Participation fees are within the limits prescribed in the regulations (club gaming only). Is there evidence of excess participation fees in club records, adverts for gaming in or outside of the club or from complaints? Participation fees must not be disguised as charges for dealers, mandatory tipping of dealers, table charges or hire charges. Again, observation of the gaming may be necessary.
 - Prizes are within the limits prescribed in the regulations. Is there evidence that they are excessive from records at the club or alcohol-licensed premises, in adverts for gaming, etc? Note that daily and weekly limits must be monitored by the operator and that "money or money's worth" (for example, goods) counts towards the prize limits.
 - Where the games are tournaments or leagues, the LA may find it useful to consult the Commission's general guidance on poker which sets out how the law applies to such games. This should help the LA to determine whether the gaming is within the law from evidence such as records in the club or alcohol-licensed premises and adverts for gaming.

7 Appeals on decisions by the LA

- 7.1 The authority may only refuse an application on one or more of the following grounds:
- (i) for a club gaming permit: the applicant is not a members' club or miners' welfare institute
 - (ii) for a club machine permit: the applicant is not a members' club, miners' institute or commercial club
 - the premises are used wholly or mainly by children or young persons
 - an offence or a breach of a condition of a permit has been committed by an applicant
 - a permit held by an applicant has been cancelled during the last ten years
 - an objection has been made by the Commission or local chief officer of police.

- 7.2 The authority may only cancel a permit on one of the following grounds:
- the premises are used wholly or mainly by children or young persons
 - an offence or breach of a condition of the permit has been committed in the course of gaming activities.
- 7.3 Therefore, in considering an appeal the court will determine whether any of these statutory grounds apply. In addition, the court will take into account the following factors:
- any objections made by the Commission or local police chief
 - the authority's duty to have regard to both the Commission guidance and the licensing objectives, and to what extent these duties were discharged.
- 7.4 On an appeal, the magistrates' court or sheriff may take the following action: dismiss the appeal, substitute any decision that the LA could have made, restore a permit, or remit it back to the LA to decide in accordance with a determination of the court; and may make an order for costs. If the decision is remitted to the LA, the same rights of appeal will apply as for the original application.

8 Fast track procedure for permits

- 8.1 There is a fast track procedure for members' clubs in England and Wales that hold a club premises certificate under section 72 of the Licensing Act 2003 (the Licensing Act). Commercial clubs cannot hold club premises certificates under the Licensing Act and so cannot use the fast track procedure. The fast track procedure also does not apply in Scotland.
- 8.2 Where the club holds a club premises certificate, there is no opportunity for objections to be made by the Commission or the police, and the grounds on which a LA can refuse a permit are reduced.
- 8.3 There are three grounds for refusal of a permit by the LA in these circumstances. They are, where:
- the club is established or conducted solely or primarily for gaming (other than bridge or whist)
 - the club is established or conducted solely or mainly for bridge or whist, and also provides gaming of another kind
 - a club gaming permit or club machine permit issued to the club has been cancelled in the preceding ten years.

9 Factors to consider when monitoring club gaming permits

- 9.1 Once the LA has issued a club gaming permit, it is recommended that various aspects need to be considered by LAs in monitoring the club gaming permit. In addition to monitoring whether the club continues to meet the requirements of the Act for a club gaming permit (that is, whether it remains a genuine members' club) and whether the gaming meets the conditions set out in the Act and the relevant regulations, LAs may also wish to consider the issues described in the paragraphs that follow.
- 9.2 Where clubs have computers available for use by members, LAs should be aware that these may be so-called dual use computers which, among other things, allow club members to access gambling websites via the internet. In certain circumstances, these computers may be taken to be gaming machines. Generally, a computer is not a gaming machine merely because there is a possibility of accessing a gambling website via the internet. However, a computer will be taken to be a gaming machine if it is knowingly adapted or presented to facilitate or draw attention to the possibility of it being used for gambling.
- 9.3 It is not possible to provide a definitive list of examples of what constitutes a computer that is knowingly adapted or presented to facilitate or draw attention to the possibility of it being used

for gambling. Each case will need to be looked at individually and ultimately the decision regarding whether a machine is a gaming machine is one for the courts to make.

- 9.4 The precise circumstances in which the facilities are offered – including the environment in which they are offered and the relationship with other gambling facilities provided – will need to be taken into account when assessing the status of those facilities. The Commission has provided the following indicators that may help in making decisions about whether a computer is knowingly adapted or presented to facilitate or draw attention to the possibility of it being used for gambling. This list is not exhaustive, and the presence or absence of any single factor is not necessarily conclusive:
- icons for gambling websites displayed on the desktop screen
 - links to gambling websites available via the start menu
 - screensavers, desktop wallpapers referring to gambling websites
 - internet browsing history or favourites menu containing gambling websites
 - promotional material (posters, flyers) indicating the use of computers for gambling
 - gambling software downloaded onto a computer
 - staff informing customers of the existence of the computer for access to gambling websites
 - emails or other promotional material sent to customers/individuals referring to the availability of computers on premises for gambling purposes.
- 9.5 LAs should note that permission to advertise gambling in Great Britain is restricted to operators licensed by the Commission, operators from the European Economic Area, Gibraltar and the white-listed jurisdictions (Aldemey, Antigua and Barbuda, Isle of Man and Tasmania).
- 9.6 Club premises, computer terminals in the club or the club website may contain advertising of 'foreign gambling', or clubs may offer seats at overseas poker tournaments as prizes in poker tournaments run on the club premises. In the Commission's view, this amounts to advertising of non-UK gambling, as defined by section 327 of the Act. Unless the overseas tournament is based in the European Economic Area, Gibraltar or the white-listed jurisdictions, this is likely to amount to the advertising of 'foreign gambling', which is an offence under section 331 of the Act.
- 9.7 Any of the factors mentioned in the preceding paragraphs in this section may give rise to the need to review the club gaming permit or take appropriate enforcement action.
- 9.8 The Commission provides advice and guidance to LAs on permits and related matters and, on a case-by-case basis, will undertake targeted collaborations with LAs in order to establish principle and precedent, and a clear understanding of the legal requirements.
- 9.9 An agency that may also be able to assist LA enquiries is HM Revenue & Customs (HMRC). If a club is trading under the auspices of a club gaming permit (as a members' club) but is in fact a commercial club with, for example, their main activity being poker, they would be liable for gaming duty. LAs should bear in mind that clubs of this nature have premises to maintain, as well as staff and other costs, so the sums involved may be significant. There may also be other aspects of the financing of such clubs that would cause HMRC to become involved.

10 Powers in respect of club premises

- 10.1 Section 312 of the Act prescribes that:
- a constable or enforcement officer can enter club or miners' welfare institute premises, or premises which they reasonably believe to be used by a club or institute, to determine whether:
 - gaming is taking place on the premises or is about to take place on the premises

- any gaming that is taking place or is about to take place on the premises meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit
- an authorised local authority officer can enter premises in respect of which an application for a club gaming permit or club machine permit has been made for a purpose connected with the consideration of the application.

10.2 An enforcement officer is an employee of the Commission designated as an enforcement officer for the purposes of the Act, or a person other than an employee appointed as an enforcement officer for the same purpose. An authorised local authority officer is an officer of a LA designated as an authorised person for the purposes of section 304 of the Act, where the premises are wholly or partly situated in the LA's area.

10.3 As the Act indicates that local licensing officers are not authorised to enter club premises under the Act once the club permit has been issued, this has generally been assumed to mean that the LAs lack all the necessary powers and the Commission is, therefore, the default organisation for enforcement action. However, the necessary powers are available to the police and the Commission suggests that LAs, working in partnership with local police forces, have the ability to enforce compliance by clubs where needed.

10.4 LAs may also want to consider whether their officers have powers under other relevant Acts, such as the Licensing Act or Local Government Act. In addition, sections 87, 88 and 89 of the Licensing Act give LAs the ability to review club premises certificates, including suspending and withdrawing permits, and section 90 allows LAs to withdraw certificates where it appears to the LA that the club does not satisfy the conditions for being a qualifying club.

11 Private gaming

11.1 Private gaming can only occur in a place to which the public does not have access. While primarily aimed at games occurring in private dwellings, this could potentially also apply where a club hires a room in a pub or hotel for a private function where poker is played.

11.2 However, there must be a meaningful selection process for participation in the gaming to enable a distinction to be made between members of the general public and those permitted to enter the gaming area (that is, members of the club). If there is no real selection process, and anyone who wishes to enter the area or join the club can do so simply by asking or registering to join, the courts are likely to consider that the general public have access. If this is the case, the gaming will not be private and is likely to be illegal.

11.3 LAs are advised that no money can be deducted from any stakes or winnings, and no fee can be charged to take part in the private gaming, regardless of how it is described.

12 Case studies

12.1 LAs may find the following case studies helpful when considering applications by clubs for club gaming or club machine permits, investigating the misuse of a permit and considering the review thereof, or considering the unlawful provision of gaming in club premises.

Case study 1: Refusal of a club gaming permit

The club was sited within commercial premises that operated as a snooker club. The commercial premises held a premises licence under the Licensing Act 2003. When considering an application for a club gaming permit by the club, the LA found that the club:

- did not meet the definition of members' club in the Act as it was established for the purpose of gaming
- did not satisfactorily prove that it was established and conducted for the benefit of its members

- offered activities that could already be accessed through the existing commercial premises on a much larger scale and with no membership fee payable
- was trying to circumvent the requirements of the Licensing Act 2003 by setting up a club within a club
- did not have a satisfactory club constitution with regard to the nomination of new members and election of the committee
- provided financial documentation that was inadequate and showed that the applicant's main activity was gaming (in particular, poker).

On the basis of these findings, the LA refused the club gaming permit because the club had failed to demonstrate that it:

- met the definition of a members' club by being established and conducted for purposes other than the provision of facilities for gaming
- was established and conducted for the benefit of its members (and was not otherwise established or conducted as a commercial enterprise).

The LA subsequently offered the applicant an appeal under paragraph 25(1) of Schedule 12 to the Act.

Case study 2: Refusal of a club gaming permit

The Commission received a copy of an application for a club gaming permit and decided to lodge objections to the application on the basis that the club is not a members' club within its meaning in the Act. The LA subsequently held a hearing and heard oral evidence from the applicant. Guided by the Act, the Commission's *Guidance to Licensing Authorities*, the LA's statement of principles for the Act, and the evidence received and heard, the LA decided that the applicant was not entitled to a club gaming permit on the following basis:

- the LA was not satisfied that the club was a members' club as defined under section 266 of the Act
- the rules of membership produced by the applicant did not demonstrate that the club had been constituted as a genuine members' club, specifically that there was no provision for members to participate in the management and running of the club, and that it does not set out the objectives or benefits of membership.

Case study 3: Review of a club gaming permit

The club had been granted a club gaming permit, but intelligence activity had later suggested that the club was in breach of several conditions of its permit. After a joint visit to the club by the LA and the police, the LA found that the club:

- was not established and conducted for the benefit of its members
- appeared to be established and conducted almost solely for the purpose of playing poker.

A letter was sent to the club instructing it to comply with the conditions of the club gaming permit within a set time period. The club failed to comply with the instruction and the LA subsequently withdrew the club gaming permit.

Case study 4: Cooperation and shared resources

This case concerned a poker organiser operating in several local authority areas. In this instance, the relevant LAs set up a working group to deal with the case. Following discussions by the working group, a letter was drafted and sent to all the relevant alcohol premises licensees in each LA area setting out the licensees' personal liability for illegal activities conducted on their premises, making direct reference to poker.

The matter and the action taken were then discussed at the regional licensing and enforcement officers meetings so that the scope of this approach was widened to other LAs facing the same issues. The Commission was kept informed of developments in the case.

keeping gambling fair and safe for all

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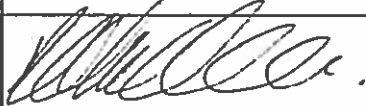

Appendix: Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Members' club or commercial club with club machine permit	Members' club or MW institute with club gaming permit	Bridge or whist club	Alcohol-licensed premises
Equal chance gaming	Yes	Yes	Yes	Bridge and/or whist only	Yes
Limits on stakes	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	No limit	No limit	<u>Poker</u> £100 per premises per day £5 per person per game <u>Other gaming</u> £5 per person per game <u>Cribbage & dominoes</u> No limit
Limits on prizes	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	No limit	No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
Maximum participation fees (per person per day)	<u>Bridge and/or whist</u> ⁶ £18 <u>Other gaming</u> £1	<u>Bridge and/or whist</u> ⁶ £18 <u>Other gaming</u> £3 (commercial club) £1 (members' club)	<u>Bridge and/or whist</u> ⁶ £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	None permitted
Bankers or unequal chance gaming	None permitted	None permitted	Pontoon Chemin de fer	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

⁶ On a day when no other facilities for gaming are provided

SIGNATURES OF OFFICERS & COMMITTEE MEMBERS

This signature represents each Officer and Committee Member having read and fully understood the Rules of Operation.

Office	Printed Name	Date of Appointment	Signature
Chairman	MELANIE ARLETT	28/1/14	
Treasurer → SECRETARY →	TERRY WATSON PENNY PALMER	28/1/14 28/1/14	 
Committee Member	ALAN MARK R. SCOTT	28/1/14	
Committee Member	KAREN HOSKING	28/1/14	K Hosking
Committee Member	SANDRA WILLIAMS	28/1/14	
Committee Member	REBECCA TRECHMANN-VANCE	5/2/14	
Committee Member	GRACE HUTCHINSON	5/2/14	
Committee Member			
Committee Member			
Committee Member			
Committee Member			
Committee Member			
Committee Member			

Social Committee Meeting

29/04/2014 14:00

Next Meeting Thursday 29/05/2014 14:00

Attending

Mel Arlett
Sandra Williams
Karen Hosking
Becky Trechmann V
Terry Watson
Penny Palmer

Not Attending

Alan Harrison
Tim Carter
Grace Hutchinson

Finances

The committee has so far raised £588 which gives us just over £2600 in the bank.

Easter raffle raised £120.

£226 has been transferred to the social tin for the bonus ball funds.

Becky T-V, Terry W and Mel A to go to the bank on Tuesday to transfer money to the new committee.

Pamper Days

Congratulations to Rachel Lord who won the 2 Easter Bingo pamper days.

We will be giving out a free raffle ticket to each member of staff past and present attending the summer event in July.

Summer Event

To be held at St Rita's on 27/07/2014 16:00 to 20:00 (4pm to 8pm).

Cost will be £5.00 per person over 16, children are free.

We will invite retired members of Tesco staff.

Barbeque available, there will be wine, beer, soft drinks and Pimms if you want to bring your own please feel free to.

Terry to find out about BBQ drums from Scouts and price of bouncy castle, sumo suits, bungee run and bucking bronco.

Penny to contact George the Magician for price.

Becky to make posters

Other Events

Karen to get prices for coaches/minibus to Poole for Dog Racing and to Bristol for Ikea.

Summer car boot sales.

Funds to be 50/50= 50% to Honiton Hospice and 50% to Social Committee. If the first is a success we will hold more. Max cars 100 to 120 in top car park. £5.00 per car £7.00 per van. No food or ice-cream vans.

Becky to make poster.

Charter Day

Penny to find out if we can set up a stall in town and what we could put on it.

Skittles Night.

07/06/2014 £5.00 at the Heathfield Inn Sandra to speak to Carlos.

Armed Forces Day.

This is a great way to support those fighting abroad. We are going to have a cake stall.

Other suggestions

Paignton Zoo during August

Monkey World

Go Ape

Lego Land.

Other.

Leanne has asked us to put together a summer event programme for fun at work, if anyone has a suggestion please see a member of the committee or pin a note to the social board in the staff canteen.



Contact tel 08457 60 60 60
 see reverse for call times
 Text phone 08457 125 563
 used by deaf or speech impaired customers
 www.hsbc.co.uk

2428
 Honiton Store 2679 Social Club
 Tesco Stores Ltd
 Battishorne Way
 Honiton
 Devon
 EX14 2XD

Your Statement

Account Summary



046785_126 1/ 1 00006 75326 26178 40442



7 April to 6 May 2014

Account Name
 Honiton Store 2679 Social Club

Your Community Account details

Date	Payment type and details	Paid out	Paid in	Balance
06 Apr 14	BALANCE BROUGHT FORWARD			
06 May 14	BALANCE CARRIED FORWARD			

Credit Interest Rates *balance* *AER variable*
 Credit interest is not paid

Debit Interest Rates *balance* *EAR variable*
 Debit interest 5.64 %

TESCO SEATON SOCIAL CLUB BALANCE ACCOUNT SUMMERY

Opening Balance	£264.00	01/12/12	
Paid In	£130.00	27/12/12	{collection from Christmas Raffle}
Paid In	£196.00	19/01/13	{proceeds from ticket sales Christmas party}
<u>Balance</u>	<u>£590.00</u>	19/01/13	
Paid Out	£183.16	19/01/13	{payment for food & venue Christmas party}
<u>Balance</u>	<u>£406.84</u>	19/01/13	
Paid in	£440.00	01/04/13	{proceeds from snooker table staff room}
Paid in	£ 95.50	20/06/13	{proceeds from snooker table staff room}
<u>Balance</u>	<u>£942.34</u>	17/07/13	
Transfer of cash	£842.34	17/07/13	YORKSHIRE BUILDING SOCIETY
Petty cash tin	£100.00	17/07/13	

X *M. S. Christopher* X

martin christopher
treasurer

jackie Gay
secretary

J. Gay

X *John Steer*

John Steer
Senior Manager

Reserved Change

JOHN SUMMERVILLE
CHAIRMAN

Names)

Mrs J R Gay
Mr M S Christopher
Representative Share Holders
Tesco Seaton Social Club

Any Two To Sign
A942



With you one hundred percent

0845 1 200 300

Existing Savings or Sharesave Account Helpline

0845 1 200 100

All other enquires

If found please send to the address below

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Yorkshire House, Yorkshire Drive, Bradford,
West Yorkshire BD5 8LJ

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Account no **5758957407** 218

Account type **CASH TRANSACTOR SHARE**

Please quote the account no. on all correspondence

Date: 21 May 2014
 Contact number: 01395 517411
 E-mail: licensing@eastdevon.gov.uk
 Direct Fax: 01395 517507
 Our Reference: LIC/JT
 Your Reference:



Mr J Richards
 Free Enterprise Group
 44, Swain Street,
 Watchet
 Somerset
 TA23 0AG

East Devon District Council
 Knowle
 Sidmouth
 EX10 8HL
 DX 48705 Sidmouth
 Tel: 01395 516551

Dear Mr Richards

**Application for Club Gaming Machine Permits
 Tesco Stores at Honiton, Axminster and Seaton
 Meeting of Sub Committee Members with Club Officers**

Further to the Sub Committee meeting on Wednesday 14 May 2014 when Members resolved to adjourn the hearing to a date after the Sub Committee had the opportunity to meet officers of the three Social Clubs. As you are aware they requested to see evidence that a members' club existed for each premise, this included documents that evidenced that there were elected officers, minutes of meetings and particularly annual general meetings and at least two years of accounts for each club.

At the hearing you offered to help convene this meeting. I have now had the opportunity to collate the availability of those from the Council that need to be at the meeting(s). The three days that all are available are:

Tues	Mon	Tues
03/06	09/06	10/06

As I believe you are aware the main purpose of this meeting is for members to see evidence that a members' club exists for each premise. This would include documents that evidenced that there were elected officers, minutes of meetings and particularly annual general meetings and at least two years of accounts for each club. In the case of both the Honiton and Axminster clubs the members will wish to see the minutes of the club's Annual General Meeting for the past two years. Members appreciate that the Seaton store only opened at the end of 2011 so whilst there may not be two sets of AGM minutes available at least there should be minutes of the club's inauguration meeting for members to see.



Appendix V

I know that the members would particularly like to visit the Axminster Store to see the club premises at that location. Whilst they wish to meet an officer from all three clubs they would be happy to meet them all at the Axminster Store if that was convenient however they would be able to visit all three sites if that was easier for those involved from the clubs.

I would be grateful if you would liaise with your clients and come back to me with a suitable venue or venues and day or days to meet. I have sent a copy of this letter to all three club chairmen (via post). If either I or Steve Saunders can be of any assistance please feel free to get back to us.

Finally we are looking at reconvening the Sub Committee hearing for Wednesday 11 June so you may wish to keep that day free. I anticipate the meeting to be during the morning. When details are finalised we will confirm arrangements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Tippin Moll', with a long horizontal stroke extending to the left.

John Tippin Moll
Licensing Manager
Legal, Licensing and Democratic Services

Enc.

Cc.

Beccy Mingo, Chairman, Honiton Store Social Club
Tony Parsons, Chairman, Axminster Store Social Club
John Steer, Chairman, Seaton Store Social Club

Report to: **Licensing and Enforcement Sub Committee**



Date of Meeting: 16 July 2014

Public Document: Yes

Exemption: None

Agenda item: **Item 7**

Subject: Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

Purpose of report: The report summarises an application for the grant of a premises licence.

Recommendation: Recommendation
That the application be granted as applied for subject to the agreed position set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Reason for recommendation: To comply with statutory processes.

Officer: Neil McDonald nmcdonald@eastdevon.gov.uk 01395 517410

Financial implications: The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

Legal implications: Legal implications are included within the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- The relevant licensing applications
- Representations received
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Link to Council Plan: Not applicable

a) Reasons for Recommendation

To ensure full compliance with statutory processes.

b) Alternative Options

The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.

c) Risk Considerations

Applications must be dealt with within the statutory time limits.

d) Policy and Budgetary Considerations

Officers have taken into account the Council's Licensing Policy in making the recommendation.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1. Legislation Background

1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

2. Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence	The Village Inn, Fore Street, Sidbury, Sidmouth, Devon, EX10 0SD.	Following mediation the applicant and the Council's Environmental Health Service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The application be approved as submitted subject to the addition of the following conditions: 1. The Licence Holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council. 2. The Licence Holder must ensure that all doors and windows are kept closed during periods of regulated entertainment.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	