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## Notice of Hearing

Licensing Sub-Committee

- Date: WEDNESDAY, 11 JULY 2018
- Time: 2.00 PM
- Venue: COMMITTEE ROOM 6 -CIVIC CENTRE, HIGH STREET, UXBRIDGE
- MeetingMembers of the Public andDetails:Press are welcome to attend<br/>this meeting

#### **Councillors on the Sub-Committee:**

Roy Chamdal (Chairman) Lynne Allen Allan Kauffman

#### Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

#### Monday 9 July 2018

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- Whether you intend to attend or to be represented by someone at the hearing;
- If you consider a hearing to be unnecessary and;
- Whether to request that another person attends (other than your representative) as a witness

Published: Tuesday, 26 June 2018

Contact: Neil Fraser Tel: 01895 250692 Email: <u>democratic@hillingdon.gov.uk</u>

This Agenda is available online at: http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=352&Year=0

#### Putting our residents first

Lloyd White Head of Democratic Services London Borough of Hillingdon, 3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW www.hillingdon.gov.uk

# Useful information for residents and visitors

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## Watch a LIVE broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

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## Agenda

#### **CHAIRMAN'S ANNOUNCEMENTS**

#### **Hearing Protocol**

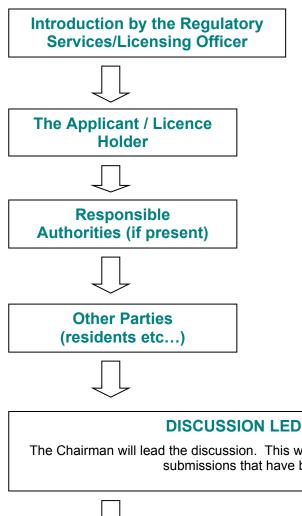
- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- **3** To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

#### Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
5	Licensed Premises Gaming Machine Permit Variation Application - The Good Yarn, High Street, Uxbridge	Uxbridge North	2PM	3 - 22

#### Order of proceedings – application under the Licensing Act 2003

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.



Closing remarks from each party The Council's Regulatory Services/Licensing Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. The Sub-Committee may ask questions of the officer.

The Applicant, licence holder or the person representing him/her will be invited to address the Sub-Committee. They will be allowed sufficient time to present his/her case. The Sub-Committee may ask questions.

Responsible Authorities will be invited to address the Sub-Committee and will be allowed sufficient time. The Sub-Committee may ask questions of the Responsible Authorities.

Other parties will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman will expect the parties to nominate a spokesperson to make the representations and all will be allowed sufficient time. The Sub-Committee may ask questions of the Other Parties.

#### **DISCUSSION LED BY THE SUB-COMMITTEE**

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee.

The Chairman will invite the Responsible Authorities and Other Parties to make brief closing remarks on the application. The Applicant / licence holder makes the final closing remarks.

The Sub-Committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and the Clerk to the Sub- Committee remaining. All others present will be asked to leave the room. If the meeting is being broadcast, any filming will be stopped for this part.

Parties may return to the room when invited to do so and the Chairman will announce the decision. The Chairman will remind the Applicant / licence holder that the decision will be sent to them in writing. There can be no further questions or statements.

## Agenda Item 5

#### LICENSED PREMISES GAMING MACHINE PERMIT VARIATION APPLICATION – The Good Yarn, High Street, Uxbridge

Committee	Licensing Sub-Committee		
Officer Contact	Steven Dormer	01895 277409	
Papers with report	Appendix 1 - Gaming Machine Appendix 2 - Copy of current G Appendix 3 - Proposed Plan Appendix 4 – Compliance Polic Appendix 5 – Copy of Licensing Appendix 6 – Gambling Comm Machine Permits	aming Machine Permit	
Ward(s) affected	Uxbridge South		

#### SUMMARY

Determination of the Gaming Machine Variation Application in respect of The Good Yarn, High Street, Uxbridge by J.D Wetherspoon. The application is altering the amount of gaming machines on site from 5 to 6 category C machines. **Appendix 1** 

#### RECOMMENDATION

## On consideration of the application, the Licensing Sub Committee are asked to determine the application by way of:

- a) granting the application
- b) refusing the application, or
- c) Granting the permit in respect of
  - i. a smaller number of machines than that specified in the application
  - ii. a different category of machine from that specified in the application, or
  - iii. both

A licensing authority may not attach conditions to a permit

Granting the application in full.

#### INFORMATION

 A variation application for a gaming machine permit, in respect of The Good Yarn, 132 High Street, Uxbridge, was submitted to the Applications Processing Team on 31<sup>st</sup> May 2018. The application requests an increase of machine usage from the existing 5 machines to 6. The previous permit came in to effect on 23<sup>rd</sup> October 2018. Appendix 2

Alongside the application is a proposed location of all six gaming machines. **Appendix 3** 

The application was submitted in a complete format and in accordance with the procedures set out in the Gambling Act 2005.

Upon request the applicant has submitted JD Wetherspoon's policy overview on gaming machines. Appendix 4

The application procedure does not require any consultation with responsible authorities or any advertising/legal notice

#### General Information:

- The premises has the benefit of a Premises Licence issued under the Licensing Act 2003 for the sale of alcohol, regulated entertainment, films and late night refreshment provisions. **Appendix 5**
- the holder of the above licence and subsequent permit permitting gaming activities are required to comply with the Gambling Commission's code of practice for Gaming Machine Permit **Appendix 6**
- Gaming Machines on site of a licensed premises are permitted to be either category C and/or D, category breakdowns are depicted below:

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

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

The committee is asked to consider and determine the application as per the options referred to within the above recommendations.

#### LEGAL IMPLICATIONS

- 1. The protocol that we use for licensing hearings is to be utilised for this hearing as it is the protocol for licensing and gambling matters.
- 2. In terms of procedure, the Gambling Act Policy scheme of delegation states that this committee will determine the application by way of report. There is therefore no procedure to follow. It is an application on the papers. I have attached the policy for ease of reference. The relevant guidance is included in the report at **Appendix 6**.

3. If JD Wetherspoons wish to attend and make representations, then we follow the same procedure that we would for new premises licence applications. Neil/Steve - you may wish to call JD Wetherspoons in order to confirm whether the application should be decided on the papers or whether they wish to submit reps.

#### **BACKGROUND PAPERS**

- Appendix 1 Gaming Machine Permit Variation Application
- Appendix 2 Copy of current Gaming Machine Permit
- Appendix 3 Proposed Plan
- Appendix 4 Compliance Policy
- Appendix 5 Copy of Licensing Act 2003 Premises Licence
- Appendix 6 Gambling Commission's code of practice for Gaming Machine Permits

#### **BACKGROUND DOCUMENTS:**

The Gambling Act 2005 The Council's Statement of Gambling Principles Gambling Commission Guidance to Licensing Authorities

#### APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION / TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT (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: Licensing Authority London Borough of Hillingdon Civic Centre High Street Uxbridge UB8 1UW

#### Section A – Applicant Details

1. Name of Applicant

#### **JD Wetherspoon Plc**

2. Date of Birth or Company registration No. as applicable

#### 1709784

3. Address / registered office of applicant

#### Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL

4. Telephone number (daytime) of applicant

#### 01923477902

5. E-mail address of applicant

#### jodell@jdwetherspoon.co.uk

6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

.....

#### **SECTION B – Premises Details**

1. Name of premises

The Good Yam

.....

2. Address of premises

132 High Street, Uxbridge, Middlesex UB8 1JX

.....

3. Telephone number of premises

.....

.....

4. E-mail address of premises (where available)?

P112@jdwetherspoon.co.uk.....

5. Licensing Act 2003 Premises Licence Number

.....

1

	Granted					
3. Please provide your existing permit, or provide reasons stating	why it cannot be provided.					
	Existing permit provided					
Reasons why existing permit cannot be provided						
Section F – Fee and Signature(s) 1. I enclose						
In all cases						
the relevant fee						
<ul> <li>I confirm that         <ul> <li>the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).</li> </ul> </li> </ul>						
<ul> <li>I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gamblin Commission.</li> </ul>						
• All staff will be trained as to the limits of any stakes	and prizes and the requirements	of				
the Act, Guidance and any appropriate codes of prac	the Act, Guidance and any appropriate codes of practice or conduct					
		ď				
Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.						
Dated 3els/18.		••••				
Signed by or on behalf of the applicant						
Name (please print)) ENNLE ODELL		•••••				
* If you wish to have a maximum of 2 gaming machines then the fee pay than 2 gaming machines then the fee payable is £100 by an existing ope		ore				
To Vary the Permit £100						

~

/

Gambling Act 2005

This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England & Wales) Regulations 2007



LICENSED PREMISES GAMING MACHINE PERMIT

Number: GA/LPGM/10/027

This Licensed Premises Gaming Machine Permit authorises

JD WETHERSPOON PLC

Of

#### Wetherspoon House Reeds Crescent Watford Herts WD24 4QL

To make gaming machines, of the category and number specified below, available for use on the following premises:

Good Yarn, 132 High Street, Uxbridge, Middlesex, UB8 1JX

Number of Category C gaming machines authorised by this permit:

5

Number of Category D gaming machines authorised by this permit:

0

Date on which this permit takes effect:

#### 23<sup>rd</sup> October 2012

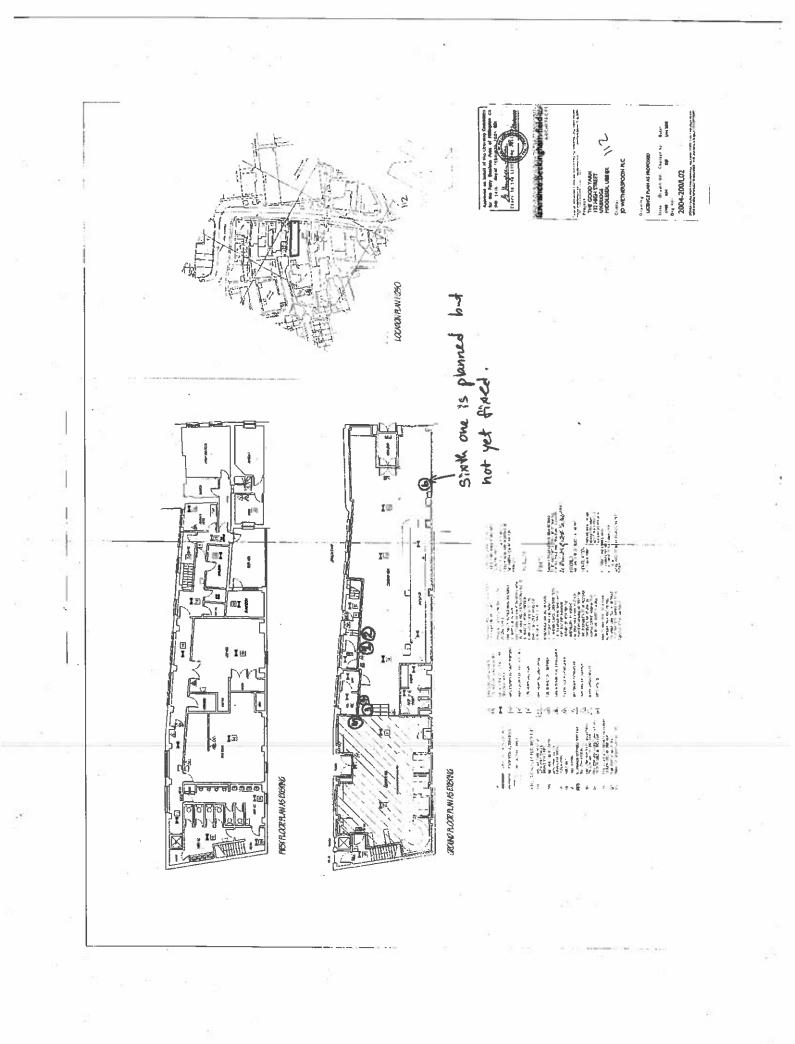
#### Signed on behalf of the issuing licensing authority

This Permit has been issued by Stephanie Waterford, Licensing Service Manager, on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 23<sup>rd</sup> October 2012

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#### Licensed Premises Gaming Machines JD Wetherspoon Policy and Procedure Overview

We understand when considering this application that the Licensing Authority will consider the 3 objectives of the Gambling Act 2005 and therefore have set out below the policies and procedures JD Wetherspoon undertakes in its pubs to promote this objectives. In addition the Gambling Commission's "Gaming Machine Permits Code of Practice is complied with.

## 1. Protecting children and other vulnerable people from being harmed or exploited by gambling;

To ensure that no persons under the age of 18 are permitted to play on our gaming machines, we abide by a Challenge 21 policy in all of our premises. Under this policy, all of our employees are trained to ask any customer who appears to be under the age of 21 years to provide valid proof of age that they are over the age of 18. When in use, Door Supervisors are also fully briefed on our policy and what is expected of them in the implementation of the same.

J D Wetherspoon has adopted the industry standards and the recommendations of the Gambling Commission and recognises only the following forms of identification as valid forms of proof of age:

- National passport
- Photographic Drivers' Licence
- United Kingdom 'PASS' accredited age identification card with photograph.

In certain circumstances, other forms of ID are accepted at the discretion of the manager on duty such as international ID cards or military ID cards.

We apply this policy to all age restricted activities on our premises.

All employees receive induction training on our Challenge 21 policy when they commence employment with the Company and then receive regular refresher training. All employees complete video training, quizzes and sign a letter to confirm that they have had this training and understand their responsibilities. All training records are retained on personnel files and these files are regularly reviewed by the pub management team and members of our Retail Audit department to ensure that the training system is being satisfactorily completed.

Staff compliance with our Challenge 21 policy is tested by a number of means:

- 1. Management review of a 'refusals log' which records when and how often bar staff are recording when a sale has been refused.
- 2. Independent mystery visitors who are aged 18 and 19 years are sent into our pubs to test compliance with our Challenge 21 policy.

Our Challenge 21 policy is also actively promoted within the premises using self-adhesive signs at every entrance, staff wearing 'It's my job to ask' badges and posters throughout the premises. All front of house staff are aware of their responsibility for preventing underage gambling.

All machines are situated in a place where their use can be supervised.

## 2. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime; and

The power to all gaming machines is turned off after the pub has closed to ensure potential thieves are not attracted by the lights in the pub.

JD Wetherspoon pubs also have two types of alarm systems, the panic alarm and intruder alarm, which cover the majority of the pub including the customer area where gaming machines are located.

The monitored intruder alarm covers the main entry points when the pub is closed. It is mainly activated by a forced entry into the pub triggering the door contacts or motion detectors. This pub is internally described as having a 'level 1 response' to its alarm system, meaning police response. This is an automated system which feeds through to Secom central station, our alarm consultants, who notify the police and the registered key holders of the pub.

JD Wetherspoon prides itself on provide safe, well run premises for all people to enjoy themselves in. Over our estate of 780 pubs we spend considerable time and resources ensuring they are all well equipped with adequate and appropriate CCTV coverage.

#### 3. Ensuring that gambling is conducted in a fair and open way.

All of our AWP machines are located in well supervised areas fully open to the public at large and are provided by reputable companies.

JD Wetherspoon PLC September 2010

#### PREMISES LICENCE SUMMARY

HILLINGDON

Ref:

IM/MAU/006600

Premises Licence Number:

LBHIL 60/05

This Premises Licence has been issued by Stephanie Waterford on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Giebelelterto

Date: 17<sup>th</sup> October 2016

#### **Premises Details**

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

Good Yarn 132 High Street

Post Town - Uxbridge

Postcode - UB8 1JT

Telephone number - 01895 239852

Where the licence is time limited, the dates -  $N\!/\!A$ 

Licensable activities authorised by the licence -

(a) The sale by retail of alcohol

(b) The provision of regulated entertainment(Indoors) for:-

- Films
- Live music,
- Recorded music
- Performances of dance and
- Anything of a similar description

(c) The provision of late night refreshment(Indoors)

The times the licence authorises the carrying out of licensable activities -

#### Sale of alcohol:

Sunday to Thursday, between 09:00 and 00:30 hours the following day. Friday and Saturday between 09:00 and 01:00 hours the following day

In addition to the hours detailed above:

On Christmas Eve and Boxing Day between 09:00 and 02:00 hours the following day. On New Years Eve from 09:00 hours until 09:00 hours on New Years Day.

#### Provision of late night refreshment:

Sunday to Thursday between 23:00 and 00:30 hours. Friday and Saturday between 23:00 and 01:00 hours.

In addition to the hours detailed above: On Christmas Eve and Boxing Day between 23:00 and 02:00 hours. On New Years Eve from 23:00 hours until 05:00 hours on New Years Day.

#### For all licensable activities:

On the days stated below, an additional hour following the times detailed above:-Burns Night – 25 January Australia Day – 26 January St. David's Day – 1 March St. Patrick's Day – 17 March St George's Day – 23 April St. Andrew's Day - 30 November

On the days stated below, an additional 30 minutes following the times detailed above:-Thursdays preceding Easter Sundays preceding a Bank Holiday

Between the hours of 06:00 and 03:00 the following day, on no more than 12 occasions per calendar year, subject to providing the Licensing Service, the Councils Environmental Protection Unit and the Metropolitan Police Service 10 working days notice, and then only on receiving a subsequent 'CONSENT' from the Councils Licensing Service, in respect of this agreement to the specified day and/or times applied for.

An additional hour on the morning of the day the clocks go forward (from Greenwich Meantime to British Summer Time)

The opening hours of the premises -Sunday to Thursday between 07:00 and 01:30 hours the following day. Friday and Saturday between 07:00 and 02:00 hours the following day.

In addition to the hours detailed above:

On Christmas Eve and Boxing Day between 07:00 and 03:00 hours the following day. On New Years Eve from 07:00 hours until 07:00 hours on New Years Day.

On the days stated below, an additional hour following the times detailed above:-Burns Night – 25 January Australia Day – 26 January St. David's Day – 1 March St. Patrick's Day – 17 March St George's Day – 23 April St. Andrew's Day - 30 November

Between the hours of 06:00 and 03:00 the following day, on no more than 12 occasions per calendar year, subject to providing the Licensing Service, the Councils Environmental Protection Unit and the Metropolitan Police Service 10 working days notice, and then only on receiving a subsequent 'CONSENT' from the Councils Licensing Service, in respect of this agreement to the specified day and/or times applied for.

An additional hour on the morning of the day the clocks go forward (from Greenwich Meantime to British Summer Time)

Where the licence authorises supplies of alcohol whether these are on and/or off supplies -

ON AND OFF SUPPLIES

Name, (registered) address of holder of Premises Licence -

JD Wetherspoon Plc Wetherspoon House Reeds Crescent Watford WD24 4QL

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

#### 01709784

Name of designated premises supervisor where the premises licence authorises the supply of alcohol -

#### Ashik Shah

State whether access to the premises by children is restricted or prohibited -

Children under 16 are only allowed access when accompanied by an adult between the hours of 07:00 and 21:00, unless consuming a meal when they will have access until 21:30 hours.

## GAMBLING COMMISSION

### Code of practice for gaming machines in clubs and premises with an alcohol licence For club gaming permits, club machine permits and alcohol

licensed premises

August 2014

#### 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:
    - o if an alcohol licence is held, the designated premises supervisor
    - $\circ~$  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.

Code of practice for gaming machines in clubs and premises with an alcohol licence

#### 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

- Permit holders should put into effect procedures intended to prevent underage gambling. This 1 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.

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. Page 20

#### 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 <u>not</u> 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**

#### 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** 

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

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