

**REDDITCH BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**11<sup>TH</sup> MAY 2018**

**GAMBLING ACT 2005**

**APPLICATION FOR THE GRANT OF  
ADULT GAMING CENTRE PREMISES LICENCE**

<b>PUBLIC HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Dave Etheridge Senior Practitioner (Licensing) 01905 822799 enquiries@worcsregservices.gov.uk</b>
<b>Ward(s) affected:</b>	<b>Abbey</b>
<b>Appendices:</b>	<b>Appendix 1      Application Form and Plan Appendix 2      Local Risk Assessment Appendix 3      Representation from Interested Party Appendix 4      Statement of Principles Appendix 5      Conditions and Codes of Practise Appendix 6      Extract from Gambling Commission Guidance to Licensing Authorities Appendix 7      Mandatory Conditions</b>

**1.      PURPOSE OF REPORT**

- 1.1      To consider and determine an application for grant of an adult gaming centre premises licence in respect of –

**8-10 Unicorn Hill  
Redditch  
Worcestershire  
B97 4QU**

A copy of the application form and the accompanying plan is attached at **Appendix 1**.

## **2. BACKGROUND**

2.1 On 9 February 2018 an application was received from Ladbrokes Betting and Gaming Ltd for the grant of an adult gaming centre premises licence in respect of –

8-10 Unicorn Hill  
Redditch  
Worcestershire  
B97 4QU

2.2 An adult gaming centre premises licence entitles the holder to make gaming machines available for use within an adult gaming centre. The holder of an adult gaming centre premises licence can make available gaming machines from categories B3, B4, C and D.

2.3 A maximum of 20% of the total number of gaming machines made available for use on the premises can be from categories B3 or B4. There is no limit on the number of category C or D machines that can be made available under an adult gaming centre premises licence.

2.4 Under section 47 (5) of the Gambling Act 2005, it is an offence to invite or permit a child or young person to enter an adult gaming centre.

2.5 The application contained all the requisite documentation including the application fee and a plan of the premises.

2.6 It can be confirmed that the application has been advertised in accordance with the requirements of the Gambling Act 2005 and associated regulations and that notice of the application has also been served on all responsible authorities.

2.7 The application was also accompanied by a copy of the applicant's local risk assessment for this premises. A copy of the risk assessment can be seen at **Appendix 2**.

- 2.8 Ladbrokes Betting and Gaming Ltd hold the relevant operating licence issued by the Gambling Commission that entitles them to make gaming machines available for use in adult gaming centres.

### 3. REPRESENTATIONS

#### Responsible Authorities

- 3.1 No representations have been received from any of the responsible authorities identified in the Gambling Act 2005 and associated regulations.

#### Interested Parties

- 3.2 A representation has been received from an interested party. The interested party is Power Leisure Bookmakers Limited, who hold a betting premises licence at 1 – 2 Market Place, Redditch, B98 8AA.
- 3.3 The representation was submitted on Power Leisure Bookmakers Limited's behalf by Poppleston Allen solicitors.
- 3.4 The representation raises concerns about the following licensing objectives:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 3.5 A copy of the representation received can be seen at **Appendix 3**.

### 4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Statement of Principles published in accordance with section 349 of the Gambling Act 2005.
- 4.2 A copy of the Council's Statement of Principles can be seen at **Appendix 4**.

## 5. LEGAL IMPLICATIONS

- 5.1 Section 153 of the Gambling Act 2005, provides that in determining applications the licensing authority shall aim to permit the use of the premises for gambling in so far as it thinks it is—
- (a) in accordance with any relevant code of practice under section 24,
  - (b) in accordance with any relevant guidance issued by the Commission under section 25,
  - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
  - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- 5.2 With reference to (a) in paragraph 5.1 above, a copy of the Gambling Commission's sector specific Conditions and Codes of Practice applicable to Adult Gaming Centres and Family Entertainment Centres can be seen at **Appendix 5**.
- 5.3 With reference to (b) in paragraph 5.1, the latest version of the Gambling Commission's Guidance to Licensing Authorities is available on line at :- <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>  
Parts 1 (General), 9 (Premises licence conditions) and 21 (Adult Gaming Centres) have been reproduced at **Appendix 6**.
- 5.4 With reference to (c) in paragraph 5.1 above, section 1 of the Gambling Act 2005 sets out the three licensing objectives, which are:
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
  - (b) ensuring that gambling is conducted in a fair and open way, and
  - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.5 With reference to (d) in paragraph 5.1 above, a copy of the Council's Statement of Principles, published in accordance with section 349 of the Gambling Act 2005 can be seen at **Appendix 4**.

- 5.6 Section 153(2) of the Act states that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- 5.7 On considering an application for a premises licence (whether at a hearing or not) a licensing authority shall –
- (a) Grant it, or
  - (b) Reject it.
- 5.8 If the licensing authority issues an adult gaming centre premises licence, this will be subject to the mandatory conditions applicable to such premises licences, as prescribed under section 167 of the Act. A copy of the mandatory conditions applicable to adult gaming centres can be seen at **Appendix 7**.
- 5.9 Further to the mandatory conditions, where a licensing authority issue a premises licence they may –
- (a) attach a condition to the licence
  - (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 of the Act (default conditions)
- 5.10 There are however no default conditions prescribed under section 168 of the Act in relation to adult gaming centre premises licences.
- 5.11 Where a licensing authority grants or reject an application for a premises licence, they shall as soon as is reasonably practicable give notice to –
- The applicant
  - The Gambling Commission
  - Any person who made representations about the application
  - The Chief Officer of Police for the area
  - Her Majesty's Commissioners of Customs and Excise
- 5.12 If the application is granted, this notice –
- (a) must be in the prescribed form,
  - (b) if the licensing authority have attached a condition to the licence under section 169(1)(a) or excluded under section 169(1)(b) a condition that

would otherwise have attached by virtue of section 168, must give the authority's reasons, and

- (c) if representations were made about the application under section 161, must give the authority's response to the representations.

5.13 If the application is rejected, this notice –

- (a) must be in the prescribed form, and
- (b) must give the authority's reasons for rejecting the application.

5.14 Where a licensing authority rejects an application for a premises licence, the applicant may appeal.

5.15 Where a licensing authority grant an application for a premises licence, either of the following may appeal –

- (a) a person who made representations in relation to the application
- (b) the applicant

5.16 Appeals must be instituted in the Magistrates Court for the area within 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.

## **6. FOR DECISION**

6.1 The Sub-Committee must consider and determine the application.