

Report for: **Licensing Sub Committee 25TH March 2019**

Item number:

Title: Determination of Application for a Premises Licence for an Adult Gaming Centre Licence for G T Promotions Ltd, Unit 1, 450-454 High Road Tottenham London N17 9JN

Report authorised by : Director of Community and Environment.

Lead Officer: **Daliah Barrett – Licensing Team Leader**

Ward(s) affected: **Tottenham Hale**

**Report for Key/
Non Key Decision: Non key**

1. Describe the issue under consideration

To consider an application by GT Promotions to provide the provision of Adult gaming facilities at the above address and that the holder of such a license must hold a gaming machine general operating license from the Commission. If granted this would enable the Operator to make available for use up to four category B machines: any number of category C machines and any number of category D machines. Regulations state that category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines. The applicant is seeking the ability to operate 24hrs per day 7 days per week. **Appendix 1**

2. Principles to be applied:

This application must be considered under the three licensing objectives:

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

3. Recommendations

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.

A Licensing Authority shall not determine an application for a premises licence made in reliance on section 159(3)(b) until the relevant operating licence has been issued in a form which authorises the applicant to carry on the activity in respect of which the premises licence is sought.

4. Reasons for decision

In exercising their functions under this part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-

- (a) In accordance with the 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))

4.2 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. **Alternative options considered**

None

6. **Background information**

6.1 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.

6.2 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.

6.3 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.

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

6.5 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.

6.6 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**.

7. **Representations**

Responsible Authorities

7.1 Representations have been received from:

The Metropolitan Police,

Licensing Authority

Public Health – and letter from Doctor Grewel

As the responsible authorities identified in the Gambling Act 2005 and

associated regulations.

- 7.2 Interested Parties
representation has been received from interested parties. These are
Residents
Ward Councillors
Tottenham Regeneration Team
- 7.3 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
- 7.4 A copy of the representation received can be seen at **Appendix 3**.
- 7.5 The applicants and their representative Mr Etchells met with the Licensing Officer and Police Licensing Officer on 24th January 2019 to discuss their application. Whilst no mediation was reached the applicants submitted a list of proposed conditions in response to the concerns raised in the letters of representation and matters highlighted at the meeting. **Appendix 4**

8 Legal implications

- 8.1 The 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)).
- 8.2 A copy of the Gambling Commission’s sector specific Conditions and Codes of Practice applicable to Adult Gaming Centres can be seen at **Appendix 5**.
- 8.3 The latest version of the Gambling Commission’s Guidance to Licensing Authorities is available on line at :-
<https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf>
- Parts 1 (General), 9 (Premises licence conditions) and 21 (Adult Gaming Centres) are relevant to this application.
- 8.4 A copy of the Council’s Statement of Gambling Policy, published in accordance with section 349 of the Gambling Act 2005 can be seen at **Appendix 6**.

Determination

- 9 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**.
- 9.1 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)
- 9.2 There are however no default conditions prescribed under section 168 of the Act in relation to adult gaming centre premises licences.
- 9.3 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
- 9.4 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.
- 9.5 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.
- Where a licensing authority rejects an application for a premises licence, the applicant may appeal.
- 9.6 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

9.7 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.

10. FOR DECISION

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