

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 14th November 2023

Subject: Application for a Premises Licence (Betting (Other)) under the Gambling Act 2005 for BoyleSports, 86A Queen Street, Morley LS27 9BP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Morley South		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of Main Issues

This is an application for a new Betting Premises Licence for the premises at 86A Queen Street, Morley, Leeds LS27 9BU.

This application has attracted a single representation from the Financial Inclusion Team, lodged on the grounds of the licensing objective; ‘protection of children and other vulnerable persons from being harmed or exploited by gambling’.

1.0 Purpose of the Report

- 1.1 To advise Members of an application made under Part 8 of the Gambling Act 2005 (the Act) for the grant of a Premises Licence in respect of 86A Queen Street, Morley, Leeds LS27 9BU.
- 1.2 Members are required to consider this application due to the receipt of a representation.

2.0 History of Premises

- 2.1 This is the first application under the Act for the premises.

3.0 The Application

- 3.1 The application has been made by BoyleSports (UK) Limited, 172 Stratford Road, Shirley, Solihull, B90 3BQ.
- 3.2 The premises are located at 86A Queen Street, Morley, Leeds LS27 9BU.
- 3.3 A copy of the application may be found at **Appendix A** and a plan showing the extent of the licensed premises and the proposed internal layout will be circulated to Members in advance of the meeting.
- 3.4 A map which identifies the location of these premises is attached at **Appendix B**.
- 3.5 The Act requires notice of the application to be served on the responsible authorities, advertised in a local newspaper and displayed on the premises where it can be conveniently be read by members of the public from the exterior of the premises for a period of no less than 28 consecutive days.

4.0 Representations

- 4.1 Representations can be received from responsible authorities or interested parties.
- 4.2 Under the Gambling Act 2005, the responsible authorities are:
- Licensing Authority
 - Gambling Commission
 - Fire and Rescue Authority
 - HM Revenue and Customs
 - Safeguarding Children Board
 - West Yorkshire Police
 - Planning and Development Services
 - Environmental Health Services
- 4.3 Under the Act, interested parties are a person who:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - (b) has business interests that might be affected by the authorised activities; or
 - (c) represents persons in either of these two groups.
- 4.4 The authority may determine whether representations made are frivolous or vexatious, or will not influence the authority's determination of the application.

Representations from Responsible Authorities

- 4.5 This application has attracted one representation from the Financial Inclusion Team.

4.6 In summary the representation expresses concerns regarding the number of betting shops in Morley and the negative impact on both young and vulnerable people in the local area.

4.7 A copy of the representation may be found at **Appendix C** of this report.

Representations from Interested Parties

4.8 This application has not attracted representation from interested parties.

5.0 Principles to be Applied

5.1 The Act (s153) sets out that the licensing authority, in exercising their functions, shall aim to permit the use of premises for gambling in so far as the authority thinks it is:

- (a) in accordance with any relevant code of practice under section 24 of the Act (Gambling Commission Codes of Practice);
- (b) in accordance with any relevant guidance issued by the Commission under section 25 (Gambling Commission Guidance to Licensing Authorities);
- (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 s 349 of the Act (Gambling Act 2005 Statement of Licensing Policy) (subject to paragraphs (a) to (c)).

5.2 The Gambling Commission Codes of Practice as mentioned above describes the arrangements that should be made by a person providing facilities for gambling for the purpose of:

- (a) ensuring that gambling is conducted in a fair and open way;
- (b) protecting children and other vulnerable persons from being harmed or exploited by gambling; and
- (c) making assistance available to persons who are or may be affected by problems related to gambling.

5.3 The codes may also include provision about how facilities for gambling are advertised or described.

5.4 A copy of the Gambling Commission's Licence conditions and Codes of Practice (consolidated for all forms of gambling) dated April 2018, can be found [here](#).

5.5 The Act (s153(2)) also sets out that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which is proposed to provide.

6.0 Planning Permission

6.1 Members should note that in accordance with Section 210 of the Gambling Act 2005, any decision made by the licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating planning or building.

6.2 It should also be noted that a decision by the licensing authority under this part shall not constrain any later decision by the authority under the law in relation to planning or building.

7.0 Licensing Objectives

7.1 The licensing authority should carry out its function under the Act with a view to promoting the 3 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.

8.0 Mandatory and Default Licence Conditions

8.1 The Secretary of State provides for mandatory conditions (s167) and default conditions (s168) to be attached to specified premises licences.

8.2 The default conditions for a betting premises licence set out the opening times which are:

'No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day'.

8.3 The mandatory and default conditions applicable to betting premises may be found at **Appendix D**.

8.4 Section 169 of the Act provides for that where a licensing authority issue a premises licence they may

- (a) attach a condition to the licence; and/or
- (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 (default conditions)

8.5 A licensing authority may not attach a condition to a premises licence which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted (s169(4)).

9.0 Operating Licence

9.1 A premises licence may not take effect unless the applicant is in possession of an operating licence issued by the Gambling Commission. This will be specific to the gambling activities to be carried out.

9.2 It is confirmed that BoyleSports (UK) Limited holds the relevant operating licence.

10.0 Gaming Machine Limits

10.1 In addition to authorising the provision of betting facilities, a betting premises licence allows for the provision of a maximum of 4 machines of categories B2 to D:

Category of Machine	Maximum Stake	Maximum Prize
*B2 (FOBT)	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D (various)	Ranging from 10p to £1	Ranging from £5 to £8 and £50 for crane grab

*The B2 is not a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal. These machines generally appear in licensed betting offices, have touch screen displays and look similar to quiz machines. They normally offer a number of games; roulette being the most popular.

11.0 Primary Gambling Activity

11.1 The primary gambling activity of the premises should be that described, i.e. a betting premises should primarily be a place for the making of bets and any other gaming facilities, i.e. gaming machines, should be ancillary to the betting facilities.

11.2 In order to satisfy the licensing authority that the primary use of the premises will be that of betting and that the premises will be adequately supervised for the purpose of satisfying the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling', BoyleSports (UK) Limited have supplied a number of supporting documents, including a Local Area Risk Assessment document offering details on social responsibility such as under age persons procedures, Think 21 procedures, vulnerable persons procedures and self-exclusion schemes.

11.3 A copy of all supporting information is available at **Appendix E**, and includes the following:

- Case Outline
- Layout Plan
- Local Area Risk Assessment
- Compliance Training Manual
- Children & other vulnerable persons Policy
- Drugs & Alcohol Policy
- Gambling Fairness Complaints & Disputes
- UK Shop Managers Operations Manual
- Customer Interaction eLearning Template for Staff

12.0 Equality, Diversity, Cohesion and Integration

12.1 At the time of writing this report there were no implications for equality, diversity, cohesion or integration. Any decision taken by the Licensing Sub-Committee will be in accordance with the Gambling Act 2005.

13.0 Options available to Members

13.1 The Licensing Sub-Committee must take such of the following steps as it considers necessary with a view to promote the licensing objectives and in accordance with the principles as set out at paragraph 5 of this report, and:

- Grant the application as applied for;
- Grant the application and exclude any default conditions;
- Grant the application with conditions provided these do not contravene s169(4) of the Act and prevent compliance of the Operating Licence, or mandatory conditions; or
- Refuse the application.

14.0 Appendices

Appendix A: A copy of application

Appendix B: Area map

Appendix C: Responsible Authority representation

Appendix D: Betting Premises Licence Mandatory and Default Conditions

Appendix E: Applicant's additional documents

15.0 Background Papers

None