

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 17th April 2108

Subject: Gambling Act 2005
Application for a Premises Licence (Betting Premises)
Betfred, 86c 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number: Appendix 6 is exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3)		

Summary of Main Issues

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

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 betting premises licence in respect of 86c Queen Street, Morley, Leeds LS27 9BP.
- 1.2 Members are required to consider this application due to the receipt of representations.

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 Done Brothers (Cash Betting) Limited, T/A Betfred, Spectrum, 56-58, Benson Road, Birchwood, Warrington, WA3 7PQ.

- 3.2 The premises are located at 86c Queen Street, Morley, Leeds LS27 9BP.
- 3.3 A copy of the application may be found at **Appendix 1**. A plan showing the extent of the licensed premises and the proposed internal layout will be available at the meeting.
- 3.4 A map which identifies the location of these premises is attached at **Appendix 2**.
- 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 Under the Act representations can be received from responsible authorities or interested parties.
- 4.2 For the purpose of this Act, 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 For the purpose of this 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 vexatious or frivolous, or will certainly not influence the authority's determination of the application.

Representations from Responsible Authorities

- 4.5 This application has not attracted any representation from any of the responsible authorities.

Representations from Interested Parties

- 4.6 This application has attracted representation from an Elected Member.
- 4.7 In summary the representation is concerning the number of betting shops in Morley and the negative impact on local children and young people.

4.8 Copies of this representation may be found at **Appendix 3** of this report.

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:

- (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, is attached at **Appendix 4** for members information.

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 5**.

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 Done Brothers (Cash Betting) T/A Betfred holds the relevant operating licence.

10.0 Licence Conditions & Codes of Practice

10.1 The Licence Conditions and Codes of Practice (LCCP) set out the requirements operators must meet in order to hold an operating licence. There are four types of licence condition, and they have different status in the law, but operators need to comply with them all. Codes of practice are either social responsibility code provisions - which must be adhered to by all licence holders or ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

10.3 The Gambling Commission has powers to take action against licensed operators who fail to comply.

10.4 In Section 10 of the LCCP, operators are required to undertake a local risk assessment:

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy
2. Licensees must review (and update as necessary) their local risk assessments:
 - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c. when applying for a variation of a premises licence; and in any case, undertake a local risk assessment when applying for a new premises licence.

10.5 The applicant has supplied a local area risk assessment which identifies measures that the premises will undertake to mitigate any impact on the licensing objectives having regard to the area in which the premises are located. A copy of the local area risk assessment (entitled General Risk Assessment) is attached at **Appendix 6** to this report.

10.6 It should be noted that the contents of Appendix 6 is potentially exempt information under Access to Information Procedure Rules 10.4(3) as this includes information relating to the financial or business affairs of any particular person and in all circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.0 Gaming Machine Limits

11.1 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)	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D – various)	Ranging from 30p 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.

12.0 Primary Gambling Activity

12.1 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.

12.2 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', Done Brothers (Cash Betting) T/A Betfred have supplied a Risk Assessment (entitled General Risk Assessment) which includes social responsibility details such as under age persons procedures, Think 21 procedures, vulnerable persons procedures and self-exclusion schemes, a copy of which is attached at **Appendix 6** (exempt information).

13.0 Equality, Diversity, Cohesion and Integration

13.1 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.

14.0 Options available to Members

14.1 The licensing sub-committee must take such of the following steps as it considers necessary with a view to promoting 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.

15.0 Appendices

Appendix 1: Copy of application

Appendix 2: Area map

Appendix 3: Interested Party representation

Appendix 4: Gambling Commission's Licence Conditions and Code of Practice

Appendix 5: Betting Premises Licence Mandatory and Default Conditions

Appendix 6: Local Area Risk Assessment (Exempt Information)

16.0 Background Papers

None