

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 9th April 2019

**Subject: Gambling Act 2005
Application for the Variation of a Premises Licence (Converted Casino)
Grosvenor Casino, Westgate, Wellington Bridge Street, Leeds, LS3 1LW**

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|---|---|--|
| Are specific electoral Wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, name(s) of Ward(s): Little London & Woodhouse | | |
| 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 to vary the converted casino premises licence for the premises at Westgate, Wellington Bridge Street, Leeds, LS3 1LW.

The application is made to seek approval for an increased area for gambling facilities by including part of the ground floor customer smoking shelter.

The application has attracted a representation from an Elected Member.

1.0 Purpose of the Report

1.1 To advise Members of an application made under Section 187 of the Gambling Act 2005 (the Act) for the variation of a casino premises licence in respect of Westgate, Wellington Bridge Street, Leeds, LS3 1LW.

1.2 Members are required to consider this application due to the receipt of a representation.

2.0 History of Premises

- 2.1 These premises have benefitted from a converted casino premises licence since the introduction Gambling Act 2005. The area that the licence applies covers the main gaming floor and the slots lounge.
- 2.2 There are further casino premises licences in place at these premises authorising the facilities for gambling. One of the licences applies to the part of the premises known as the Electronic Casino which was relocated from Merrion Way, Leeds, LS2 8BT, in August 2016 by way of a variation application.
- 2.3 The remaining licence was also relocated from Merrion Way and applies to an area not used for gambling facilities. The reason behind this was to preserve the premises licence as the Gambling Act 2005 only allows new casino premises licences to be bid for by the local authority when, and if, the Government opens a consultation.

3.0 The Application

- 3.1 The application has been made by Grosvenor Casinos (GC) Limited, TOR, Saint-Cloud Way, Maidenhead, SL6 8BN.
- 3.2 The premises are located at Westgate, Wellington Bridge Street, Leeds, LS3 1LW.
- 3.3 The application seeks the approval to increase the area for providing gambling facilities by way of including part of the ground floor customer smoking shelter.
- 3.4 A copy of the application may be found at **Appendix 1**. A plan showing the overall licensed area including the area added in the smoking terrace will be available at the meeting.
- 3.5 A map which identifies the location of these premises is attached at **Appendix 2**.
- 3.6 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 a representation from an Elected Member.

4.7 In summary the representation expresses concern that gambling facilities provided in an area where customers can take a break is unacceptable and could potentially contribute to problematic gambling.

4.8 A copy 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 member's information.

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 are included within Appendix 4.

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 It is confirmed that Grosvenor Casinos (GC) Limited holds the relevant operating licence with the Gambling Commission.

10.0 Primary Gambling Activity

10.1 The primary gambling activity of the premises should be that described, i.e. a casino premises should primarily be a place for gaming facilities.

10.2 An operating licence condition provides that gaming machines may be made available for use in casinos only on those days when sufficient facilities for playing casino games or games of equal chance are also available for use.

10.3 In this respect, when a casino exclusively offers fully automated casino games, there must be more individual player positions made available for these games than there is gaming machines made available for use.

11.0 Equality, Diversity, Cohesion and Integration

11.1 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.

12.0 Options available to Members

12.1 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 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.

13.0 Appendices

Appendix 1: Copy of Application Form

Appendix 2: Premises Location

Appendix 3: Representation

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

14.0 Background Papers

None