

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 10th June 2013

**Subject: Gambling Act 2005
Application for a Premise Licence (Betting Premise)
William Hill, 5 Windsor Court, Morley, LS27 9BG**

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 premises at 5 Windsor Court, Morley, Leeds, LS27 9BG.

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 the above mentioned premises.
- 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 said premises.

3.0 The Application

- 3.1 The application has been made by William Hill Organisation Limited, Greenside House, 50 Station Road, Wood Green, London, N22 7TP.
- 3.2 The premises are located at 5 Windsor Court, Morley, Leeds, LS27 9BG.

- 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 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;
 - (c) represents persons in either of these two groups.

4.3 Representations from Responsible Authorities

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

4.4 Representations from Interested Parties

This application has attracted representation from three elected members, a councillor of Morley Town Council, and a member of the public, under the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling'. A copy of the full representations may be found at Appendix 3.

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 (Statement of Licensing Policy – Gambling Act 2005) (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.

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

A copy of the Gambling Commission's Codes of Practice (consolidated for all forms of gambling) March 2013, is attached at Appendix 4 for members information.

- 5.3 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 are proposed.

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 Mandatory and Default Licence Conditions

- 7.1 The Secretary of State provides for mandatory conditions (s167) and default conditions (s168) to be attached to specified premises licences.
- 7.2 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'.
- 7.3 The mandatory and default conditions applicable to betting premises may be found at Appendix 5.
- 7.4 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;

- (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 (default conditions).

7.5 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.

8.0 Operating Licence

8.1 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.

8.2 It is confirmed that the William Hill Organisation Limited do hold the relevant operating licence.

9.0 Gaming Machine Limits

9.1 In addition to authorising the provision of betting facilities, a betting premises licence allows for the provision of gaming machines of the following categories:

Maximum of 4 machines of categories B2 to D:

Machine Categories:

Category of Machine	Maximum Stake	Maximum Prize
*B2	£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.

10.0 Primary Gambling Activity

10.1 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, ie gaming machines, should be ancillary to the betting facilities.

10.2 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', the licensing

authority wrote to the William Hill Organisation Limited asking for clarity on the following matters:

- 1) Details as to the location of working CCTV cameras, and how the system will be monitored.
- 2) The number of counter positions available for person-to-person transactions, and the number of staff employed to be available at any one time for providing this service.
- 3) The monitoring and supervision arrangements for all gaming and betting machines.
- 4) The total number of staff to be employed on the premises at any one time and details of their specific duties.
- 5) Arrangements for ensuring no persons under 18 years of age are admitted to the premises.
- 6) Arrangements for monitoring and dealing with vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.

10.3 A response was received from the William Hill Organisation Limited which may be found at Appendix 6 to this report, albeit the correspondence did not address all of the information sought by the licensing authority.

11.0 Equality and Diversity/Cohesion and Integration

11.1 At the time of writing this report there were no implications for equality and diversity. 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 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.
- Refuse the application

13.0 Appendices

Appendix 1: Copy of application

Appendix 2: Area map
Appendix 3: Interested Party representation
Appendix 4: Gambling Commission's Code of Practice
Appendix 5: Betting Premise Licence Mandatory and Default Conditions
Appendix 6: William Hill Response

14.0 Background Papers

- Gambling Commission Guidance to Licensing Authorities 4th Edition September 2012 (section 25 of the Act)
- Leeds City Council Statement of Licensing Policy 2012-2015 – Gambling Act 2005 (section 349 of the Act)
- Gambling Act 2005