

MUNICIPAL YEAR 2020/21 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
19 May 2021

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Gambling Act 2005

Agenda – Part1	Item
<p>SUBJECT: New Premises Licence Application – Adult Gaming Centre (AGC)</p> <p>PREMISES: Future Leisure Limited, 8 Southbury Road, Enfield, EN1 1YT</p> <p>WARD: Town</p>	

1 LICENSING HISTORY:

- 1.1 The premises previously traded as a William Hill betting office, which held a betting premises licence, LN/201200856. The licence was granted on 16 January 2013 by delegated authority as no outstanding valid representations were submitted. This licence was later surrendered on 29 September 2019. This William Hill licence was not subject to any review or licensing prosecution action.

2 THIS APPLICATION:

- 2.1 On 30 March 2021, a new adult gaming centre (AGC) premises licence application was submitted for Future Leisure Limited, 8 Southbury Road, Enfield, EN1 1YT.

- 2.2 Future Leisure Limited holds Operator's Licence 036646-N-318600-012 for Non-Remote licences and has been licensed for Bingo since 3 July 2014 and Gaming Machine General Adult Gaming Centre since 23 February 2015.
- 2.3 According to the Gambling Commission's Public Register, Future Leisure Limited are licensed for 10 premises across the country, including 7 AGCs (known as Royal Casino Slots) and 3 Bingo (known as Raging Ball, Bingo and Sports Club). Future Leisure Limited have further advised that they hold 19 premises licences in total, 14 of which are in London boroughs.
- 2.4 The Gambling Act 2005 and associated regulations, namely the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007), does not restrict the times that AGCs can operate. Therefore, AGCs may be open 24 hours, with the exception outlined in Section 183 of the Gambling Act 2005 which applies a condition on all premises licences that facilities for gambling must not be provided on Christmas Day. This application does not seek to restrict operating hours outside of this 24-hour entitlement.
- 2.5 Future Leisure Limited's principal office address is Unit 20, Fleetway Business Park, 14 - 16 Wadsworth Road, Greenford, Middlesex, UB6 7LD. The registered address of Future Leisure Limited, company no. 05316966 is Thames House, Bourne End Business Park, Cores End Road, Bourne End, Buckinghamshire, England, SL8 5AS. The Company Director is Gavin Tresidder.
- 2.6 Each of the Responsible Authorities were consulted in respect of the application.
- 2.7 Future Leisure Limited satisfied the requirements for advertising the application, in accordance with Regulation 12(6) of The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007, made under Section 160 of the Gambling Act 2005.
- 2.8 A copy of the application and plan is produced in Annex 1.
- 2.9 The risk assessment submitted by the applicant to support the application is produced in Annex 2.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police** – A representation was initially made, seeking conditions be added to the licence. Those conditions were agreed by the applicant; therefore, the representation has been withdrawn.
- 3.2 **Licensing Authority** - A representation was initially made, seeking conditions be added to the licence. Those conditions were agreed by the applicant; therefore, the representation has been withdrawn. One of the conditions agreed is that the premises would only open 08:00 to 00:00 (midnight) Monday to Saturday and 09:00 to 23:00 on Sundays and Bank Holidays.
- 3.3 No further representations were made from the remaining Responsible Authorities.
- 3.4 **Interested Parties** – Representation was received by 7 Interested Parties, namely Councillors, Enfield Town Business Association, Enfield Town Residents Association, a local business and a local resident. The Interested Parties believe the application does not support 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, and, protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.5 The Interested Party representations are produced in Annex 3.
- 3.6 IP2 submitted additional information which can be found in Annex 4. In this additional information, IP2 has produced the reports referred to in the original representation.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The agreed and proposed conditions arising from this application are produced in Annex 5.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either :
- 5.1.1 the Gambling Act 2005; or
 - 5.1.2 the 5th edition of the Gambling Commission Guidance to Licensing Authorities (last updated 1 April 2021); or
 - 5.1.3 the London Borough of Enfield's Statement of Principles of January 2019.

Gambling Act 2005:

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives set out in Section 1 of the Act:
- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (b) Ensuring that gambling is conducted in a fair and open way;
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.3 Principles to be applied in accordance with Section 153 of the Act: in making decisions about premises licences it should aim to permit the use of premises for gambling insofar as the authority thinks it is:

- (1) (a) In accordance with any relevant code of practice issued by the Gambling Commission;
 - (b) In accordance with any relevant guidance issued by the Gambling Commission;
 - (c) Reasonably consistent with the licensing objectives;
 - (d) In accordance with the Council's Statement of Licensing Policy. In particular, the Council requires operators to take account of the local area profile of the borough contained within this policy.
- (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.

5.3 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007, Regulation 12 (6) states:

Where this paragraph applies the applicant must publish notice of his application—

(a) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the licensing authority's area on at least one occasion during the period of ten working days starting with the day after the day on which the application is made to the authority; and

(b) by displaying a notice on the premises to which the application relates—

(i) in a place at which it can conveniently be read by members of the public from the exterior of the premises;

(ii) for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

Gambling Commission Guidance to Licensing Authorities:

2 - Protection of children and young persons

21.2 No-one under the age of 18 is permitted to enter an AGC. The Act sets out offences at s.46 and s.47 of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. In addition, Social Responsibility (SR) code [3.2.3\(3\)](#) in the [Licence conditions and codes of practice](#) (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling'.

21.3 Licensing authorities will wish to have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. This may be of particular importance in areas where young people may be unsupervised for example, where an AGC is in a complex, such as a shopping centre or airport. Licensing authorities should consider whether their statement of policy can be used to reflect such locally based considerations.

3 - Self-exclusion

21.4 [Social Responsibility Code Provision 3.5.6](#) requires that all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. There is also an [Ordinary Code provision at 3.5.7](#). The full details can be found within the LCCP¹⁸.

4 - Gaming machines

21.5 Gaming machine provisions by premises are set out at Appendix A. S.172(1) of the Act, as amended, provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.

21.6 AGC premises licences granted on or after 13 July 2011 are entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines, but not B3A machines (S1 2158 [The Categories of Gaming Machine Regulations 2007 \(opens in new tab\)](#)). Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within [Part 16](#). For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.

5 - AGC premises licence conditions

21.8 Part [9](#) of this guidance discusses the mandatory and default conditions that attach to premises licences. Currently there are no default conditions specific to AGCs.

Mandatory conditions

21.9 A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.

21.10 There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit. (England and Wales only). There is no definition of 'direct access' in the Act or regulations, although licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.

21.11 Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

21.12 The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. Additionally in Scotland the sale of alcohol on the premises is specifically prohibited. A notice stating this should be displayed in a prominent place at every entrance to the premises.

Policy:

Interested Parties

1.7.2 The following are not valid reasons to reject applications for premises licences:

- a) Moral objections to gambling
- b) The 'saturation' of gambling premises unless there is evidence that the premises poses a risk to the licensing objectives in that locality
- c) A lack of 'demand'
- d) Whether the proposal is likely to receive planning or building regulations consent

2.1 General Principles

2.1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2.1.2 Applicants for premises licences will have already obtained an Operators Licence from the Gambling Commission and be subject to the Licensing Conditions and Codes of Practice before applying for a premises licence. The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling insofar as it thinks it: -

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives;
- In accordance with this Policy Statement (including the local area risk profile);

2.1.3 The Council will also consider:

- Information from the applicants as to whether any licensing objectives concerns can be mitigated or overcome;
- Each application on its own merits with regard to all the above considerations.

2.1.4 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for Premises Licences" and also that unmet demand is not a criterion for a licensing authority.

Location:

2.4.1 The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance for Local Authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

2.4.2 The Council will give careful consideration to premises located close to:

- Schools
- Youth clubs
- Recreational areas, particularly those catering for young persons
- Establishments providing care for children and young adults
- Establishments providing care for persons with learning difficulties or mental health issues
- Establishments used or occupied by gambling addicts
- Establishments likely to attract or house population groups likely to be vulnerable to risk of problematic gambling.

2.4.3 The Council has produced a local area profile including the information listed in 2.4.2 above; further details can be seen in the separate Local Area Profile document attached to this Policy.

2.4.4 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, and operators are encouraged to provide information in their application that demonstrates they have existing policies and procedures to mitigate any risks.

2.4.5 Applicants will be expected to prepare risk assessments based on the location and identify risk controls (taking account of the local area risk profile produced by the Council), the type of gambling operation and the design of the premises. For further details see the separate Local Area Profile document attached to this Policy.

2.4.6 The Council will in all cases consider what measures may be needed to mitigate risk to the licensing objectives. In doing so it will take account of the information provided in the application by the operator, the local area profile, the risk assessment and whether any additional conditions are required to mitigate risk by reference to the LCCP produced by the Gambling Commission.

2.6 Licensing Objectives

2.6.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

2.6.2 The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does, however, envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. For example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the Council will consider what, if any, controls (e.g. conditions) might be appropriate to prevent those premises being associated with or used to support crime. These might be conditions identified by the operator's own risk assessment or conditions the Council consider appropriate due to the local area profile. The Council is aware of the distinction between disorder and nuisance. Issues of nuisance cannot be addressed via the Gambling Act provisions. For example, noise from music, gambling machines or customers from a gambling premises cannot be addressed under the Gambling Act, but can using other legislation. This licensing objective is concerned with crime or disorder. Examples of this are if the premises were associated with gang activity, violence, drugs, or organised crime.

Protecting children and other vulnerable persons from being harmed or exploited by gambling:

2.6.4 The Council has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will, therefore, consider, as suggested in this Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

2.6.5 The Council is also aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

2.6.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs". The Council will consider this licensing objective on a case by case basis.

2.6.7 Geofutures Gambling and Place research for Westminster and Manchester City Councils¹ identified the following groups as more vulnerable:

- children, adolescents and young adults (including students)
 - people with mental health issues, including those experiencing substance abuse issues (problem gambling is often 'co-morbid' with these substance addictions⁸)
 - individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
 - the unemployed
 - the homeless
 - those with low intellectual functioning
 - problem gamblers seeking treatment
 - people with financially constrained circumstances
 - those living in deprived areas.
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2.8 Conditions

2.8.1 Premises applying for licences are already subject to mandatory and default conditions. Additional conditions would only be imposed where there is clear evidence to the risk to the licensing objectives in the circumstances of a particular case such that the mandatory and default conditions are needed to be supplemented.

2.8.2 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

2.8.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

2.8.4 In order to inform such suggestions, applicants will be expected to prepare risk assessments based on the location and range of clientele of the premises, and to take account of any local area profile produced by the Council. For further details see paragraph 6.3 below.

2.8.5 The Council will in all cases consider what measures may be needed to mitigate risk to the licensing objectives. In doing so it will take account of the information provided in the application by the operator, the local area profile, the risk assessment and whether any additional conditions are required to mitigate risk by reference to the LCCP.

2.8.10 It is noted that there are conditions, which the Council cannot attach to premises licences, which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winning or prizes.

2.10 Adult Gaming Centres

2.10.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to, for example, ensure that under 18-year olds do not have access to the premises.

2.10.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

2.10.3 This Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.

2.10.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

6 DECISION:

6.1 In accordance with s.150 of the Act, premises licences can authorise the provision of making Category B gaming machines available for use (an “adult gaming centre premises licence”).

6.2 On considering an application for an adult gaming centre premises licence, the Licensing Sub-Committee shall—

(a) grant it, or

(b) reject it. Reasons shall be given as to why the application is rejected.

6.3 The Licensing Sub-Committee may impose or exclude conditions when issuing an adult gaming centre premises licence [Section 169 Act] as follows:

(1) Where a licensing authority issues 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.

(2) A condition attached to the licence under subsection (1)(a) may, in particular, address a matter addressed by a condition excluded under subsection (1)(b).

(3)A condition attached to the licence under subsection (1)(a) may apply in relation to the premises generally or only in relation to a specified part of the premises.

(4)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.

Background Papers :
None other than any identified within the report.

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