



**Name of meeting:** Licensing Panel

**Date:** Tuesday 30th January 2024

**Title of report:** Application for the Grant of an Adult Gaming Premises Licence under the Gambling Act 2005 – Royal Amusements, 23 Northgate, Dewsbury WF13 1DS

**Purpose of report:** To determine the application.

<b>Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</b>	Not applicable
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</b>	Not applicable
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Not applicable
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	Fiona Goldsmith – on behalf of Rachel Spencer-Henshall Strategic Director (Environment and Climate Change)
<b>Is it also signed off by the Service Director for Finance?</b>	Not applicable
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Not applicable
<b>Cabinet member <u>portfolio</u></b>	Cllr Mussarat Pervaiz

**Electoral wards affected:** Dewsbury East

**Ward councillors consulted:** Dewsbury East

**Public or private:** Public

**Has GDPR been considered?** GDPR has been considered and appropriate sections of the report have been amended.

## 1. Summary

1.1 The purpose of this report is to inform Members of an application for Grant of an Adult Gaming Centre application which because of representations, has been referred to this panel for determination.

## 2. Information required to take a decision

### 2.1 Application

2.1.1 On 13<sup>th</sup> December 2023 an application was received for the Grant of an Adult Gaming Premises Licence, 23 Northgate, Dewsbury.

The applicant holds an operator's licence issued by the Gambling Commission licence number 000-0025-N-102210-09.

The applicant has attached with his application.

- The Adult Gaming Local Risk Assessment,
- Local Area and Site Profile
- How the 3 licensing objectives will be addressed by the applicant.

Copies of the Application can be seen at **Appendix A**.

Location Plan and Distance from applicant's premises can be seen at **Appendix B**.

2.1.2 Initially three Ward Councillors made representations to the application, following the concerns raised by the applicant's legal representative regarding the relevance of the objections one of the ward Councillors has withdrawn their objection. Copies of the two representations can be seen at **Appendix C**.

2.1.3 The applicant's legal representative has submitted proposed conditions for consideration following the submission of the representations, copies can be seen at **Appendix D**.

2.1.4 In addition, the applicant's legal representative has raised concerns that the representations are not valid as they believe they have been made on 'moral and ethical' grounds.

### 2.2 Gambling Act Statement of Principles 2022 – 2025

Members considering the application should take note of the Authority's Statement of Principles 2022 – 2025, which provides the following guidance on how members should approach the application and representations(s):

## **1. The Licensing Objectives**

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

In making decisions about premises licences the Council should aim to permit the use of premises for gambling in so far as it thinks it is:

- 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; and
- In accordance with the authority's statement of licensing policy.

## **2. Adult Gaming Centres**

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 authority that there will be sufficient measures to, for example, ensure that under 18-year-olds do not have access to the premises.

The 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 – all holders of general operating licenses for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility

- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Documented procedures on how employees will monitor the licensed area to ensure they are not being used by persons under the age of 18
- Occasional spot checks for children / young persons in adult only areas

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

### 2.3 Gambling Commission Guidance to licensing authorities

#### **5 – Statutory aim to permit gambling**

1.19. The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is both that the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

### **3. Implications for the Council**

#### **3.1 Working with People**

Residents of Kirklees need to be confident that under the Gambling Act licence holders are in a position to uphold the three gambling objectives. The committee is required to take appropriate action where licence holders fall short of their duties under the Gambling Act 2005. This will support both the licensing objectives and the Council's own vision and corporate plan which is to be a district which combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity, and low inequality where people enjoy better health throughout their lives.

#### **3.2 Working with Partners**

The Council's licensing team work closely with partnering agencies, named, 'Responsible Authorities' under the Gambling Act 2005, these include The Gambling Commission, West Yorkshire Police, Fire Service, Local Safeguarding Children Board, Planning, Environmental Health, and HM Revenue and Customs.

### **3.3 Place Based Working**

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

### **3.4 Climate Change and Air Quality**

There are no climate change or air quality implications contained in this report.

### **3.5 Improving outcomes for children**

A key objective of the Gambling Act is the protection of children and vulnerable persons from being harmed, and any decision made by the Council, in its capacity as Licensing Authority, will have regard to this objective.

### **3.6 Financial Implications for the people living or working in Kirklees**

The decision members make may have financial implications for the applicant.

### **3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions**

In determining the applications Members should have regard to the Gambling Act 2005, Guidance issued by the Gambling Commission and the Councils Statement of Principles. The applicant or any other person who made the relevant representations.

## **4. Consultation**

4.1 Consultation has taken place in accordance with the requirements of the Gambling Act 2005. Representations have been received from three ward Councillors.

## **5. Engagement**

5.1 Engagement is not a requirement as set out in the Gambling Act 2005.

## **6. Next steps and timelines**

6.1 In determining the applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives.

6.2 Licensing Authorities are bound by a statutory aim to permit gambling and must accept premises applications so long as they are made in accordance with:

- The Gambling commission's codes of practice
- The Guidance to local authorities
- The licensing authority's own statement of principles
- The three licensing objectives

6.3 In view of the above, and the representations from the applicant's legal representative, members are requested to consider the application and the relevance of the representations and decide whether:

- To grant the licence.
- To refuse the licence.
- To grant the licence and attach conditions to it.

## **7. Officer recommendations and reasons**

7.1 Members of the panel are requested to determine the application.

## **8. Cabinet Portfolio Holder's recommendations**

8.1 Not applicable

## **9. Contact officer**

Rox Javaid – Licensing Officer  
 Tel: 01484 221000 (ext 70545)  
 Email: [rox.javaid@kirklees.gov.uk](mailto:rox.javaid@kirklees.gov.uk)

## **10. Background Papers and History of Decisions**

**Appendix A** – Application.

**Appendix B** – Location plan and table showing distance from applicants premises.

**Appendix C** – Representations.

**Appendix D** – Proposed conditions.

**Appendix E** – Gambling Act – Statement of Principles 2022 – 2025.

**Appendix F** – Councillor Handbook.

Link to Gambling commission guidance - [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)

## **11. Service Director responsible**

Katherine Armitage  
 Service Director – Environmental Strategy and Climate Change  
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