

Report to the Licensing Sub Committee



**Epping Forest
District Council**

Date of meeting:

Subject: Application for a New Adult Gaming Centre Licence in respect of Slots o Luck, 65 The Broadway, Debden, Loughton, IG10 3SP

**Responsible Officer: Denise Bastick
Licensing Compliance Officer
Democratic Services: Laura Kirman (01992 564273)**

Decisions Required:

To determine the application for a new Adult Gaming Centre Licence under Section 159 of The Gambling Act 2005

Report:

Application

1. An application has been made by Stephen Hawkins, Essex Leisure for a new Adult Gaming Centre Licence at 65 The Broadway, Loughton, IG10 3SP. The application was received on the 1st December 2020.
2. The opening hours of the premises will be Monday to Friday 10:00 to 22:00, Saturday 10:00 to 20:00 and Sunday 10:00 to 18:00.

Gambling Act 2005

3. When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote the licensing objectives.
 - (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.
4. It must also have regard to its Gambling Act 2005, the Licensing Authority's own Statement of Licensing Policy and guidance issued by the Gambling Commission and its Code of Practice.

Consultation

5. The Responsible Authorities have received a copy of the application, it was also advertised at the premises and in a local newspaper.
6. All residences and businesses within 150 meters radius of the premises were individually consulted.
 - a. The authority has received 1 representation from Loughton Town Council, 1 representation from Loughton Residents Association Plans Group and 1 representation from a local resident, which are also attached. A response

was received from Essex Trading Standards who have no objection.

7. The Objections relate to protecting children and other vulnerable persons from being harmed or exploited by gambling.

Guidance Issued by The Gambling Commission

8. The Gambling Act 2005 provides that the licensing authority must 'have regard to' guidance issued by The Gambling Commission under section 25.
9. Part 5, Sections 5.1 to 5.34 of the Guidance are relevant to this application.

Options

On considering an application for a premises licence (whether at a hearing or not) a licensing authority shall:

- (a) grant it (without conditions or subject to conditions which should only relate to gambling); or
- (b) reject it.

A licensing authority shall not determine an application for a premises licence made in reliance on Section 159(3)(b) until the relevant operating licence has been issued (in a form which authorises the applicant to carry on the activity in respect of which the premises licence is sought).

If the Sub-Committee makes the decision to grant this application, they are reminded that they must include the following:

- (1) The mandatory conditions applicable to Adult Gaming Centres (AGA), namely:

- (a) 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;
- (b) there can be no direct access between the 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. 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 café, which the public go to for purposes other than gambling, for there to be no direct access;
- (c) 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; and
- (d) the consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

- (2) The mandatory conditions which apply to all premises licences, namely:

- (a) the summary of the terms and conditions of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises;
- (b) the layout of the premises must be maintained in accordance with the plan that forms part of the premises licence; and
- (c) neither the National Lottery products nor tickets in a private or customer lottery

may be sold on the premises.

The Sub – Committee should note that currently there are no default conditions specified to Adult Gaming Centres.

Determination

The Sub-committee is asked to determine the application having regard to

- (a) the content of this report and representations
- (b) any additional information obtained from the hearing
- (c) the Council's Gambling Act 2005 Statement of Licensing Policy
- (d) Guidance issued by The Gambling Commission, and
- (e) the steps appropriate to promote the licensing objectives.

Appeal

If any party is aggrieved with the decision they can appeal to Magistrates court. The appeal period is 21 days from notification of the decision.

Background Papers Used In Preparing This Report:

- The Gambling Act 2005
- The Gambling Commission's Guidance issued under Section 25 of the Gambling Act 2005
- Epping Forest District Council's Gambling Act 2005 Statement of Licensing Policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- Application for Adult Gaming Centre Licence
- Plan of the premises
- Operating Licence
- Newspaper advert
- Public Notice
- Map of the area
- Representations from Loughton Town Council and Loughton Residents Association Plans Group
- 1 letter of objection from a local resident