## Public Document Pack

## LICENSING COMMITTEE

THURSDAY 7 APRIL 2022
6.00 PM

## ENGINE SHED, SAND MARTIN HOUSE, BITTERN WAY

## AGENDA

## Page No

## 1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

## 3. Minutes of the Meeting Held on 16 November 2022 <br> 3-6

4. Licensed Premises Gaming Permit application - Puttstars, Unit LL1 ..... 7-24
First \& Second Floor, Queensgate Shopping Centre, Peterborough, PE1 1NT

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Committee Members:
Councillors: Warren (Chair), Ayres (Vice Chairman), Allen, P Hiller, Joseph, Hussain, Wiggin, Bond and Hussain

Substitutes: Councillors: Sainsbury, Hogg and Dowson
Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email - karen.dunleavy@peterborough.gov.uk

# DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD AT 6:00PM, ON <br> TUESDAY, 16 NOVEMBER 2021 <br> ENGINE SHED, SAND MARTIN HOUSE, BITTERN WAY, PETERBOROUGH 

Committee Members Present: Warren Chairman (Chair), Councillors Ayres, (Vice Chair) Allen, Sandra Bond, Hiller, Joseph, Murphy, Wiggin, Mahboob Hussain, Ishfaq Hussain

Officers Present: Gareth Brighton, Licensing and Business Manager Terri Martin, Strategic Regulatory Officer - Licensing Karen S Dunleavy, Democratic Services Officer

## 1. APOLOGIES FOR ABSENCE

No apologies for absence were received.
2. DECLARATIONS OF INTEREST

No declarations of interest were received.
3. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 4 AUGUST AND SEPTEMBER 2021

The minutes of the meeting held on 4 August and 1 September 2021 were agreed as a true and accurate record, subject to the amendment to 1 September 2021 minutes:

The Committee Members believed that no form of mediation that was appropriate, given the position adopted by all parties, to be amended as follows:

The Committee Members believed that there was no form of mediation that was appropriate, given the position adopted by all parties.
4. STATEMENT OF PRINCIPLES - GAMBLING ACT 2005

The Licensing Committee received a report in relation to the Gambling Act 2005.
The purpose of the report was to make members aware of the amendments to the Statement of Principles following revision and consultation responses.

Members of the Committee were advised that the proposed policy put before them had been updated in line with the latest guidance, prior to undergoing a consultation, which ran from 6 August to 23 September 2021.

Members were asked to note that there were four responses to the consultation. These responses were fully considered, and the proposed policy had been updated in consideration of two of the responses received. Namely, HMRC postal contact details had
been updated and, paragraph 18.7 of the policy had been modified to remove some outdated text.

In summary the proposed Statement of Principles contained minimal amendments.
The Strategic Regulatory Officer - Licensing introduced the report and asked Committee Members to consider and approve the revised Statement of Principles as recommended that it was adopted by Council on 08 December 2021.

6:10pm At this point Councillor Allen arrived joined the meeting.
The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- Members were advised that the Local Area Profile (LAP) was guidance that had been recently introduced by the Government and used to highlight the risks to residents that may be more susceptible to gambling issues. It was further advised that a high risk could be where there was a gambling anonymous group in operation and in this example, it would not be appropriate place a gambling establishment in that location.
- 6:15pm. At this point Councillor Mahboob Hussain joined the meeting.
- All applicants and gambling licence holders were required to complete a Local Area Risk Assessment (LARA). If the premises was to be located near a school the applicant may need to implement a Security Industry Authority (SIA) licensed member of staff on the door to ensure that no school children entered.
- There had been no information to suggest that there had been any gambling issues in Peterborough. In addition, Peterborough had not adopted the LAP, however, there was a scoping exercise currently being undertaken.
- 6:20pm At this point Councillor Joseph joined the meeting.
- Members of the Committee were advised that a LAP if adopted, would be published online next to the Authority's Gambling policy and would list areas of risk such as schools or Doctors surgeries. Members were also advised that the LAP could be presented to the Licensing Committee if you they wished, however there was no obligation to do so.
- Although the Local Authority could not use the LAP to refuse a gambling license, they could attach some conditions to a premises if it was felt necessary.
- Members were advised that the use of the LAP could demonstrate that the LA were trying to tackle local issues that were as a result of gambling, however the LAP was only a guidance document currently and could not be used in the same way as the current Cumulative Impact policy. It was also felt that if implemented for use, the LAP could work in the same way and compliment the LA's current Cumulative Impact (Cl) policy. The Cl policy was used within specific areas in the City, such as The Triangle on Lincoln Road, where there had been a saturation of premises licenses and where social issues and anti-social behaviour issues were common.
- Members were advised that the saturation of gambling premises in specific areas in Peterborough were known to the LA, however when some LAs had attempted to tackle these issues they have had their decision to refuse a licence overturned. It was very difficult for the LA to refuse a gambling license unless officers could demonstrate that the gambling act objectives were being undermined.
- There had been no inclination that the LAP would be introduced as a document in which to control the placement of gambling establishments. There had been some changes introduced by the Government to control gambling issues such as the restriction of amounts being fed into slot machines from $£ 100$ to $£ 2$. Furthermore, Members were advised that the Government had mainly concentrated their efforts on tackling issues with online gambling sources.
- The gambling industry was heavily regulated by the LCCP (License Conditions and Codes of Practice). Therefore, all establishments would control emerging risks by following and implementing Government guidance prior to being regulated.
- 6:30pm At this point Ishfaq Hussain joined the meeting.
- Members felt that the policy renewal and the LAP had been very well explained and that they had no concerns about renewing the Statement on Principles Gambling Act 2005 policy.

The Licensing Committee considered the report and RESOLVED (Unanimously) to APPROVE the revised post consultation Statement of Principles and recommended that it was adopted by Council on 08 December 2021.

## AGREED ACTIONS

The Licensing Committee considered the report and RESOLVED (Unanimously) to APPROVE the revised post consultation Statement of Principles and recommended that it was adopted by Council on 08 December 2021.

## REASONS FOR THE DECISION

I. To comply with our statutory requirement under section 349 of the Gambling Act 2005, to produce, consult, adopt and publish a Statement of Principles.
II. To comply with our statutory requirement under section 349 of the Gambling Act 2005, to produce, consult, adopt and publish a Statement of Principles

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| LICENSING COMMITTEE | AGENDA ITEM No. 4 |
| :--- | :--- |
| $\mathbf{0 7}$ APRIL 2022 | PUBLIC REPORT |


| Report of: | Peter Gell, Assistant Director: Regulatory Services |  |
| :--- | :--- | :--- |
| Cabinet Member(s) responsible: | Councillor Allen, Deputy Leader and Cabinet Member for <br> Housing, Culture and Communities |  |
| Contact Officer(s): | Gareth Brighton, Licensing \& Business Manager <br> Maria Crowe, Trainee Regulatory Officer | Tel. 864103 |


| Applicant | The Original Bowling Company Limited, Focus 31 West Wing, Cleveland <br> Road Hemel Hempstead Industrial Estate, Hemel Hempstead, <br> Hertfordshire, HP2 7BW |
| :--- | :--- |
| Represented by | TLT Solicitors, One Redcliff Street, Bristol, BS1 6TP |
| Premises | Puttstars, Unit LL1 First \& Second Floor, Queensgate Shopping Centre, <br> Peterborough, PE1 1NT. |

## RECOMMENDATIONS

FROM: Peter Gell, Assistant Director: Regulatory Services

Members are asked to consider and determine the application for a Licensed Premises Gaming Permit for the use of thirty five (35) Category D gaming machines to be located at Unit LL1 First \& Second Floor, Queensgate Shopping Centre, Peterborough, PE1 1NT.

## 1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine the application for a Licensed Premises Gaming Permit (as defined by Section 283 of the Gambling Act 2005) for the use of thirty five (35) Category D gaming machines to be located at Unit LL1 First \& Second Floor, Queensgate Shopping Centre, Peterborough, PE1 1NT (part of the former John Lewis store), taking into account the following:

- The relevant legislation
- The Licensed Premises Gaming Permit application submitted by TLT - Appendix A
- The proposed Floor Plans of the premises including the proposed gaming machine locations - Appendix B
- Examples of proposed gaming machine submitted by the Applicant - Appendix C
- The Gambling Commission Guidance to Local Authorities (May 2021)
- The relevant provisions of PCC's Gambling Act 2005 Statement of Principles
1.2 Owing to the number of Category D gaming machines being applied for, Peterborough City Council's Gambling Act 2005 Statement of Principles and the obligation to promote the licensing objectives, it is appropriate that the matter be referred to the Licensing Committee for determination.


## 2. BACKGROUND INFORMATION

2.1 An application for the grant of a Licensed Premises Gaming Machine Permit was received by the Licensing Authority on 24 January 2022 from TLT, solicitors acting on behalf the applicant, The Original Bowling Company Limited. - see Appendix A.
2.2 The application is made under Section 283 of the Gambling Act 2005 and is requesting the grant of a permit for the use 35 Category D gaming machines. Supplied with the application is a set of floor plans that outline, inter alia, the proposed position and location of gaming machines within the premises. - see Appendix B.
2.3 Section 283 of the Gambling Act 2005 states that a Licensed Premises Gaming Machine Permit is issued by a licensing authority authorising a person to make gaming machines of Category C or D (or both) available for use on licensed premises.
2.4 A separate application for a premise licence has also been submitted to the Licensing Authority by the applicant. A premise licence was granted on the 08 February 2022.
2.5 Under Section 282, Gambling Act 2005, pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the local licensing authority of their intention to make gaming machines available for use. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises. The gaming machines must be located on these licensed premises.

Relevant premises may also apply for a permit to provide a greater number of machines. Licensing authorities can issue gaming machine permits which allow additional category C and D gaming machines to be provided. Where a gaming machine permit a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, an automatic entitlement to two machines.
2.6 There is no statutory limit to the number of gaming machines which may be applied for and permits will be granted for the life of the premises, unless a shorter period is specifically stated. An annual fee is payable to maintain a permit.
2.7 Licensing Authorities can decide to grant an application with a smaller number of machines and/or different category of machines than applied for. Any conditions (other than these) cannot be attached to a Licensed Premises Gaming Machine Permit.
2.8 The application for the grant of a Licensed Premises Gaming Machine Permit relates to permission for 35 Category D gaming machines. Category D gaming machines are lowstake fruit machine style machines, coin pushers (commonly referred to as 'penny falls') or crane grabs.
2.9 The Categories of Gaming Machine Regulations 2007 provide the definition of Category D gaming machines, that being machines with a maximum stake of 10p or 30p nonmonetary and maximum prize of $£ 5$ cash or $£ 8$ non-monetary.
2.10 The applicant has supplied the Licensing Authority with examples of the of Category D gaming machines intended to be made available for use on the premises. - see Appendix C.

## 3. RELEVANT MATTERS

3.1 In exercising their functions under the Gambling Act, particularly in relation to premises licences, temporary use notices and some permits, licensing authorities must have regard to the licensing objectives set out in Section 1 of the Act, namely:

- 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling.
3.2 In relation to Licensed Premises Gaming Machine Permits, the Gambling Commission Guidance to Local Authorities published in May 2021 states:

Para 26.12 In determining an application, the licensing authority must have regard to the licensing objectives and to this guidance. They may also take account of any other matters that are considered relevant to the application. The application does not require notification to the Commission or police before determination, however, licensing authorities are able to specify this as a requirement should they see fit.

Para 26.13 The licensing authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the licensing authority must issue the permit as soon as possible after that. Where they refuse the application they must notify the applicant as soon as possible, setting out the reasons for refusal. The licensing authority must not refuse an application or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
3.3 The Gambling Act requires that a licensing authority publish a 'Statement of Principles' that it proposes to apply when exercising its functions. In relation to Licensed Premises Gaming Machine Permits, Peterborough City Council's Statement of Principles states:

Para 24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and "such matters as they think relevant". This authority considers that "such matters" will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority
that there will be sufficient measures in place to ensure that under 18 -year-olds do not have access to any adult only gaming machines. Such measures may include:

- Adult machines being in sight of bar
- Appropriate notices / signage

Para 24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises, Officers will have the discretion to arrange a hearing for members to consider the application.

Para 24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and/or different category of machines than applied for. Conditions (other than these) cannot be attached.
3.4 The Licensing Authority has had communication with the applicant solicitors, TLT Solicitors. TLT have provided some clarity in respect of the siting and number of actual gaming machines, "the 35 machines being applied for would I anticipate be split between the two floors, albeit that the precise number on each floor will not be known just yet and would remain flexible when the premises open.
"To be clear, the request for 35 machines would be for 35 player positions and not 35 separate machines, so for example where a penny falls machine has 8 player positions for example this would account for 8 machines under the permit albeit only one physical machine".
3.5 On 10 February 2022, observations were sought from both Cambridgeshire Constabulary and the Gambling Commission in relation to this application. On 13 February 2002, a response was received from Cambridgeshire Constabulary informing the Licensing Authority that they had no representations to make in respect of this application. The Licensing Authority did not receive a response from the Gambling Commission

## 4. IMPLICATIONS

4.1 Corporate Resources - The Legal Department support the Licensing Team regarding the provision of advice and guidance on street trading matters.
4.2 Financial Implications - The applicant has paid a fee of $£ 150$ to make the application. The fee is not refundable upon refusal and is payable upon renewal every three years.
4.3 Legal Guidance has been sought from the Legal Department on the compilation of this report.

# Gaming machine permit applications (i.e. for greater than $\mathbf{2}$ machines) for: 

## New permit application

(for use by premises licensed to supply alcohol for consumption on the premises)
Please refer to guidance notes at the back of this form before completing

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To:
Peterborough City Council
Head of Environmental Services/Chief Executive
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$\square$

## Section A - What do you want to do?

1 Please indicate what you would like to do
a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and/or D
(if you choose this option then please complete sections D and E )
b) Apply to convert an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines)
(if you choose this option then please complete sections B, D and E)
c) Apply for a new licensed premises gaming machine permit
(if you choose this option then please complete sections B, D and E)
d) Apply to vary an existing licensed premises gaming machine permit
(if you choose this option then please complete sections $\mathrm{B}, \mathrm{D}$ and E )
e) Apply to transfer an existing licensed premises gaming machine permit (if you choose this option then please complete sections $\mathrm{C}, \mathrm{D}$ and E )

## Section B - application for grant (includes conversion, new and variation applications)

2 How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

| Category machine | Number currently <br> authorised to provide | Number wish to provide <br> (new or variation) |
| :--- | :---: | :---: |
| C | N/A | $\mathbf{0}$ |
| D | N/A | $\mathbf{3 5}$ |
| Total | N/A | $\mathbf{3 5}$ |
| 3 | If you are currently authorised to provide more than 2 machines, please <br> provide your existing Section 34 Gaming Act 1968 permit, or provide <br> reasons stating why it cannot be provided. |  |

```
Existing permit provided*
(reasons why existing permit cannot be provided)
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- Please keep a copy of your existing permit on the premises to which it relates.

Gaming Machine permit applications (i.e. for greater than 2 machines) for:

## New permit application

(For use by premises licensed to supply alcohol for consumption on the premises)
Section C - application for permit transfer (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)

4 Name of person requesting the transfer

5 Confirmation that an application to transfer the relevant Licensing Act 2003 premises licence has been:

Requested
Granted
$6 \quad$ Please provide your existing permit, or provide reasons stating why it cannot be provided

Existing permit provided
Reasons why existing permit cannot be provided
Not issued

## Section D - General Information

7 Name of Premises: Puttstars
8 Address of Premises: Unit LL1 First and Second Floor, Queens Gate Centre, Peterborough, PE1 1NT.
$9 \quad$ Telephone number of Premises: N/A
10 Name of existing premises licence holder: The Original Bowling Company Limited
11 Address of premises licence holder (if different from 8 above)
Focus 31 West Wing, Cleveland Road Hemel Hempstead Industrial Estate, Hemel Hempstead, Hertfordshire, HP2 7BW

12 Telephone number (daytime) of premises licence holder: N/A

13 E-mail address of premises licence holder (where available)
N/A
14 Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

Brad Walker
TLT Solicitors
One Redcliff Street
Bristol, BS1 6TP
Brad.walker@TLTsolicitors.com
03330060058
15 Licensing Act 2003 premises licence Reference (i.e. number)
Not yet issued

Gaming machine permit applications (i.e. for greater than 2 machines) for:

## New permit application

(For use by premises licensed to supply alcohol for consumption on the premises)

## Section E - Fee and Signatures)

I enclose a sum of (£ 150.00)* (cheques should be made payable to Preston City Council)

I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated 19 January 2022
Signed by

by or on behalf of Licensing Act 2003
Premises licence holder )

Print Name: Even Macgregor

- If you wish to have a maximum of 2 gaming machines then the fee payable is $£ 50$. If you wish to have more than 2 gaming machines then the fee payable is $£ 150$ for new applications and $£ 100$ for Section 34 (Gaming Act 1968) holders.


## Official Use Only

Date of receipt:
Signature and name of staff who received:
Date of receipt of fee:
Signature and name of staff who received fee:
application accepted/returned (please delete as appropriate)
Date of premises licence (Licensing Act 2003) transfer (if applicable):

Gaming machine permit applications (i.e. for greater than 2 machines) for:

## Conversion/new/variation/transfer

## Guidance notes:

1 This form is to be used for the notification of up to 2 gaming machines of categories C and/or D under Section 282 of the Gambling Act 2005, or for the conversion of an existing Section 34 gaming machine permit under the Gaming Act 1968, or for a new application, variation or transfer of a alcohol licensed premises gaming machine permit under the Gambling Act 2005.

2 The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.

3 The gaming machines must be located on these licensed premises.
4 A Premises licence holder is a person holding a Premises licence under the Licensing Act 2003.

5 There is no statutory limit to the number of machines which may be applied for although the licensing authority has some discretion in this regard. It should also be noted that the licensing authority can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (Schedule 13 paragraph 16 Gambling Act 2005). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether application for certain numbers of machines are decided via a hearing of local councillors.

6 The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises licence. There is a first annual fee payable by and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is $£ 50$. There are no annual fees payable for 2 machines or less.

7 Sections 282 and 283, as well as SI 2007/2158 of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:

- Category C: Maximum stake = 50p/Maximum prize $=£ 35$
- Category D: Maximum stake $=10$ p or 30p non-monetary/Maximum prize $=$ £5 cash or £8 non-monetary
$8 \quad$ All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: http://www.gamblingcommission.gov.uk/UploadDocs/Contents/Documents/Gaming\  Machine\%20Permits\%20Code\%20of\%20Practice.pdf Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission or your local council licensing service.

9 This licensing authority must notify the applicant of its grant/refusal of the application for a permit as soon as is reasonable practicable after that decision to grant/refuse has been made.

Where you are notifying the local licensing authority of 2 machines or less, you may wish to request an acknowledgement of receipt of the notification. The form attached to this application can be utilised for this purpose.

Request for acknowledgment of receipt of my notification of 2 or less gaming machines
I, Not yet issued, request that this paper is returned to me at the following address and with the details below provided by the local licensing authority, so as to acknowledge my notification of 2 or less gaming machines at Hollywood Bowl, Unit 1, Harris Quarter, Preston PR1 2LA

Insert address to which you wish this acknowledgment to be sent:
TLT Solicitors, One Redcliff Street, Bristol BS1 6TP (Ref: 303L/BW13/112314/125)

Official Use Only (to be completed by the local licensing authority)
Date of receipt of notification of 2 or less gaming machines:
Date of receipt of fee:
Signature:
Local licensing authority stamp:

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## hollywood bowl group

## Category D Machines Examples

## Pushers/Penny Falls



## hollywood bowl group

## Cranes


wㅡBOWLiNG hollywood bowl
PUTTSTARS
originali
BOWLINGGCD.


Other types of Category D


ORIGINAL
BOWLINGGCD.

## hollywood bowl group



PUTTSTARS
ORIIINAL
BDWLING CD.

