

Application by Golden Slots (Southern) Ltd for an Adult Gaming Centre at Golden Slots, The White Hart, 1 East Street, Havant.

Report by the Licensing Officer

Gambling Act 2005

This application is made under the Gambling Act 2005 for an Adult Gaming Centre premises licence. The Gambling Act 2005 has three licensing objectives which form the foundation of the regime:

1. Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime (the term 'disorder' is interpreted as meaning an activity that is more serious and disruptive than nuisance, eg police assistance required)
2. Ensuring that gambling is conducted in a fair and open way.
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling (reference to 'vulnerable persons' 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 a mental impairment, alcohol and/or drugs. The phrase 'harmed or exploited by gambling' can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people').

As part of the application process for a premises licence, the applicant sends a copy of the application to the Responsible Authorities: Gambling Commission, Police, Fire Service, Planning, Environmental Health, Child Safeguarding Unit, Licensing and HMRC. A Responsible Authority may make representation based on any of the Licensing Objectives as may an 'Interested Party'. A person is an 'Interested Party' if the person:

1. Lives sufficiently close to the premises to be likely to be affected by the authorized activities.
2. Has business interests that might be affected by the authorised activities, or
3. Represents persons from either of these above points.

The Premises

The premises was formally The White Hart public house which has remained unused for some time and is situated at the crossroads of North Street and East Street, Havant. The area of the premises under consideration is on the ground floor of a three story building, with the upper floors having separate access. Premises and location plans are attached at Annex 1

The Application

The application is for an Adult Gaming Centre premises licence with the following hours of operation:

- Monday – Saturday 0900 – 2200 and Sunday 1000 – 1800

An Adult Gaming Centre is permitted to operate 3 categories of machines, Category B, C & D, details on categories are attached at Annex 2. Unlimited numbers of Category C & D machines are permitted and Category B machines (restricted to sub category B3 and B4) are restricted to 20% of the total number of machines within the premises. During consultation we have been informed that there will be approximately 40 machines positioned in the main retail area facing North Street and East Street. A premises with a total of 40 machines available for use can have up to 8 category B3 or B4 machines. No machines will be in the refreshment area at the rear as it is proposed to introduce bingo at a later date (subject to licensing permission) and there is a licensing requirement that no customer should be able to access a bingo area directly from an adult gaming centre. No alcohol will be served on the premises and refreshments, which will be free of charge, will be restricted to tea, coffee, soft drinks and snacks.

Before a licence may be granted, the applicant for an Adult Gaming Centre must obtain an operating licence from the Gambling Commission. Mr Lovell has been issued operating licence number: 000-043695-N-323074-001 commencing 12th January 2016, attached at Annex 3.

Gambling Act 2005 Premises Licence Conditions

There are three sources of premises licence conditions:

Default Conditions

Currently there are no default conditions for Adult Gaming Centres.

Mandatory Conditions

The following apply to all Premises Licences

- The summary of terms and conditions of the premises licence shall be displayed in a prominent place within the premises
- The layout of the premises shall be maintained in accordance with the plan.
- Neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises.
- A premises licence shall be subject to the condition that the premises shall not be used for providing facilities for gambling on Christmas Day.

The following apply to all Adult Gaming Centres

- A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- No customer shall be able to access the premises directly between an AGC and any other premises licensed under the Gambling Act 2005 or premises with a family entertainment centre, club gaming, club machine, or alcohol licensed premises gaming machine permit.
- Any ATM made available for use on the premises shall be located in a place that require any customer who wishes to use it to cease gambling at any gaming machines in order to do so.

No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

Licensing Authority Conditions

These may be issued by the Licensing Authority where there are clear regulatory reasons for doing so. There are, however, conditions that may not be attached to a premises licence by the Licensing Authority:

- A Licensing Authority may not attach a condition on a premises licence which makes it impossible to comply with an operating licence condition.
- A premises licence may not be subject to a condition requiring membership to a club.
- A premises licence condition may not relate to gaming machine categories, numbers or methods of operation.
- A premises licence may not impose limits on stakes, fees, winnings or prizes, except fees in relation to admission to a track.

Relevant Representations

Emails of representation were received from Cllr Pike, Councillor for St Faith's Ward; Canon Kennar, Rector of St Faith's Church and Mr Dawes, trustee of Havant Community Homeless Trust.

They relate to the Licensing Objective 'protecting children and vulnerable persons from being harmed or exploited by gambling' and refer to the Licensing Objective

'preventing gambling from being a source of crime and disorder'. The representees also refer to the local Gamblers Anonymous group, Havant Community Homeless Trust and premises location with regard to schools.

No representations were received from the 'Responsible Authorities'. The Planning department did not make representation and the application has been permitted subject to their own conditions, which are attached for reference at Annex 4.

Gambling Act Considerations

The Sub Committee is requested to determine this application for an Adult Gaming Centre. The options are to grant a licence with mandatory conditions; grant a licence with mandatory conditions and additional conditions necessary for the promotion of the licensing objectives or to refuse a licence.

Annexes

Annex 1 – Site plan.

Annex 2 – Gaming machine categories and entitlements.

Annex 3 – Operating licence.

Annex 4 –Planning response.

Annex 5 –Gambling Commission 5th edition guidance dated September 2015 on premises licences and AGCs to assist with determination.

Annex 6 –Havant Borough Council's Gambling Act 2005 Statement of Principles 2014 information on premises licence and AGCs to assist with determination.