

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING COMMITTEE

Monday, 23 July 2018

**PRESENT:** Councillor Flavell (Chair); Councillors Graystone, Haque, Duffy, Beardsworth and Larratt

**OFFICERS:** Ruth Austen (Environmental Health & Licensing Manager)  
Clive Tobin (Senior Litigation & Licensing Solicitor)  
Ed Bostock (Democratic Services Officer)

**FOR THE APPLICANT:** Patrick Robson (Licensing Consultant)  
Mr Hurrydwar Sookun (Director of applicant company)

### 1. APOLOGIES

Apologies for absence were received from Councillors Sargeant, Walker and Culbard.

### 2. MINUTES

The minutes of the meeting held on 19<sup>th</sup> June 2018 were agreed and signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

### 4. DECLARATIONS OF INTEREST

There were none.

### 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

### 7. GAMBLING ACT 2005 - APPLICATION FOR AN LPGM PERMIT

The Environmental Health & Licensing Manager submitted a report and elaborated thereon. She explained that since the premises did not have an existing notification or gaming machine permit in accordance with S34 of the Gaming Act 1968 or the Gambling Act 2005, the application should be treated as a new application for an LPGM Permit for 11 category C, and 4 category D machines. Members noted that should an LPGM Permit be granted, the Committee would be unable to attach any conditions to it, however they could vary the category and/or number of machines, and that the permit would last indefinitely, unless subject to earlier termination.

Patrick Robson, representing the applicant, reported that as a licensed premises, the hotel had a clean record with regards to regulatory issues. He stated that the games room would not be a destination for gamblers, but extra amenity for hotel guests, and that the games room would not be advertised externally.

At this point Mr Robson circulated photographs of signage throughout the hotel's ground floor stating that the games room was a restricted area and off limits to under 18s, and highlighted that only one door would allow access and egress; the rest would remain locked, apart from a fire exit which would be alarmed. It was also noted that the entrance to the games room would have a coded lock. Mr Robson further explained that the games room would be operational only during times that licensable activities took place and that during

those times, a member of staff would always be present. An attendance register, and a refusal register, would be kept by staff who would be practicing the "Challenge 25" policy.

Regarding security, Mr Robson confirmed that there were presently 60 CCTV cameras throughout the hotel with 4 located within the games room, with plans to add another 11; a live feed of the cameras in the games room would be available to view by staff at reception.

It was explained that there were no ATMs on the premises and signage was located throughout the games room asking customers to play responsibly and there would be "GamCare" leaflets available for customers also.

Mr Robson commented that the Licensing Committee would not be departing from any existing Council policy if the application was granted.

In response to questions, the Committee were informed that customers would not be able to receive cash back from any card purchases at the hotel.

It was explained that the size of the room was sufficient enough to warrant the quantity of machines requested.

The solicitor explained to Members their choices when deliberating and reiterated the point that they could not impose conditions, but could modify the category and quantity of machines, and advised that there were powers in place to review the licence, should the need arise.

Members retired at 18:51 to make a decision.

The meeting reconvened at 19:27.

#### **RESOLVED:**

The Committee heard the Report of the Licensing Team Leader, presented by Ruth Austen, Environmental Health and Licensing Manager.

The Director of the applicant company was present and the company were represented by Mr. Patrick Robson, Solicitor of John Gaunt & Partners Solicitors.

The Committee heard that the premises were a hotel which currently had 69 bedrooms and that sign off for planning purposes was due shortly in relation to an extension which would increase the number of bedrooms to 93. The main building had 4 floors and the annex had 3 floors. The premises open throughout the day for meals and drinks and also hold a licence for civil marriage ceremonies.

The Committee heard that an application had initially been made to convert a gaming machine permit issued under the Gambling Act 1968 however, since that permit was not in force, the application had to be treated as an application under section 283 of the Gambling Act 2005 ('the Act').

The Committee also heard that the application was for a total of 15 machines, 11 of which were of Category C and 4 of which were of Category D. Category C machines have a maximum prize level of £100.00 and a maximum stake of £1.00. There are various sub-categories of Category D machines which have a prize range from £5.00 to £50.00 and a stake ranging from 10 pence to £1.00.

The Committee heard that the machines would be placed in a previously unused part of the

hotel which comprised two rooms. One room would contain the Category D machines along with pool tables air hockey tables and football tables, and the Category C machines would be placed in the adjacent room.

On behalf of the applicant it was explained that, if the Permit were granted, the following measures would be in place to regulate the use of the gaming machines:

- a) The machines would to be sited in a separate gaming area of the hotel and that, in order to obtain access, customers would have to pass by the main reception of the premises.
- b) A coded lock was to be placed on the door to the gaming area, the code for which would only be known by staff and that, when gaming was not allowed on the machines, the door would be locked meaning that customers could not sneak in and use them without supervision.
- c) A member of staff would be on duty at a desk just inside the gaming area and would control entry to that area by means of the following:
  - i. No person under the age of 18 would be allowed to enter the area, enforced by a challenge 25 scheme, refresher training being given every 3 months;
  - ii. Signs would be displayed stating that no person under the age of 18 was allowed to enter;
  - iii. An attendance register would be maintained; and,
  - iv. A log would be kept of refusals to enter the area.Photographs showing the signage and samples of the register and log were provided.
- d) Additional staff would also be coming and going from the area to bring food and drink to customers, providing additional supervision and, depending upon how things developed, a permanent host may be employed for the gaming area. The duty manager also circulates the hotel and so would be walking through the area regularly.
- e) CCTV was in operation, currently and:
  - i. a total of 60 cameras in the hotel, including 4 in the gaming area;
  - ii. 20 more cameras were due to be installed, including 11 more in the gaming area;
  - iii. all footage is retained for 90 days;
  - iv. a facility for a live feed to reception is in place to provide additional monitoring; and,
  - v. a facial recognition camera was to be installed in the reception area.
- f) Leaflets from Gamcare, a charity which helps problem gamblers, were to be available to customers, stickers on machines would give Gamcare's details, signs would encourage sensible gambling, staff would monitor the time spent by customers and look for trends which suggested problem gambling, and a self-exclusion procedure would be in place (samples of the form were circulated to members).

Mr. Robson also stated that:

- g) the Code of Practice required supervision of gaming machines by staff or other means, this applicant would do both; and,
- h) the premises had never had any regulatory problems and had never failed a test purchase.

The Committee received advice on the following:

- i. the options available to the Committee, namely to grant the application,

- refuse the application, or grant the application for a smaller number or a different category of machines (or both);
- ii. conditions can not be added to a Permit;
- iii. the Code of Practice issued under the Act automatically applies to any permit granted;
- iv. paragraphs 26.1 to 26.44 of the statutory guidance to which the Committee must have regard;
- v. that a Permit lasts indefinitely once granted however, it ceases to have effect if the premises licence ceases to be held for the premises or if surrendered by the holder;
- vi. the licensing authority may also cancel a permit if it is no longer consistent with the licensing objectives or if offences under the Act are committed;
- vii. details of the Categories of machine are set out in the report;
- viii. although the Act does not expressly say that the licensing authority should aim to grant the licence, the Committee would need good reasons to refuse it; and,
- ix. commercial viability of the proposed operation is not a consideration for the Committee.

Resolved:

The Committee resolved that it would:

- 1) Grant the application in respect of:
  - a. a smaller number of gaming machines than that specified in the application; and,
  - b. a different category of machines from that specified in the application.
- 2) The reasons for the decision are:
  - a. allowing the proposal would mean that gambling was no longer ancillary to the main purpose of the premises, but would become a significant part of the business which would contravene paragraph 26.1 of the Statutory Guidance to which the committee must have regard;
  - b. allowing the proposal would attract a different type and source of business to the premises;
  - c. since non-residents would be allowed into the premises to use the gaming machines this would change the nature of the business and the provision would not be solely for the entertainment of residents;
  - d. allowing such a high number of machines and, significantly, that number of category C machines would:
    - i. be likely to attract a greater number of non-residents due to the level of available prizes; and,
    - ii. as a result, be more likely to place vulnerable persons at risk of being harmed or exploited by gambling.

The meeting concluded at 7:30 pm