

MONMOUTHSHIRE COUNTY COUNCIL
REPORT

<p>SUBJECT: Application for the grant of an Adult Gaming Centre, 2-4 Monnow Street, Monmouth DIRECTORATE: Social Care and Health MEETING: Licensing Sub Committee Date to be considered: 8th March 2021 DIVISION/WARDS AFFECTED: Monmouth</p>
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1. PURPOSE:

To consider an application for the grant of an Adult Gaming Centre under section 160 of the Gambling Act 2005 for 2-4 Monnow Street, Monmouth, NP25 3EE. Due to objections being received against the licence application the Local Authority, are required to hold a hearing to consider the application. A copy of the application with plans and the risk assessment provided by the applicant is attached as Appendix A.

2. RECOMMENDATION(S):

2.1 It is recommended that members consider and determine the application attached as Appendix A.

2.2 Members of the committee may determine to:-

- Grant the licence (If the licensing authority issues an adult gaming centre premises licence, this will be subject to the mandatory conditions applicable to such premises licences, as prescribed under section 167 of the Act).
- Refuse the application

3. KEY ISSUES

3.1 Premises Licences authorise the provision of gambling facilities on the following:

- Casino Premises;
- Bingo Premises;
- Betting Premises
- Adult Gaming Centres (AGCs);
- Family Entertainment Centres (FECs)

Premises Licences will only be granted to those issued with an Operating Licence by the Gambling Commission.

3.2 In exercising its functions and applications received under the Gambling Act 2005 the Council, as the Licensing Authority, must have regard to the following licensing objectives:

- 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

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".

3.3 If an application receives objections to it, Section 162 (3) of the Act states that:

A licensing authority may also determine an application for a premises licence without a hearing despite subsection (1)(a) if the authority think that the representations made under section 161—

(a)are vexatious,

(b)are frivolous, or

(c)will certainly not influence the authority's determination of the application.

3.4 Premise Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

3.5. An application was received on 21st December 2020. The application was made by Mr Henry Danter of Symonds Yat Leisure Park, Nr Ross-on-Wye, Herefordshire, HR9 6BY for the premises called Carousel at 2-4 Monnow Street, Monmouth, NP25 3EE. This application further stated the operator licence issued by the Gambling Commission is in the name of Blasemere Limited and the applicant has stated that this limited company permits Henry Danter under the name of Carousel to apply for a premises licence under the Gambling Act (copy attached as Appendix B)

3.6 The application was advertised at the premises and in the local newspaper as required and forwarded to the following consultees, Police, South Wales Fire, Planning, Social Services and Environmental Health. A copy of the application was also forwarded to the Gambling Commission and the HMRC.

3.7 No objections were received from South Wales Fire and Environmental Health. Gwent Police after seeking advice from the British Amusement Catering Trade Association (BACTA) has made no objection to this application.

3.8 An objection was received from Planning as a change of use of the premises from A1 to Sui Generis(adult gaming centre) is required.

Section 210 of the Gambling Act 2005 states:

(1) In making a decision in respect of an application under this Part a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.

(2) A decision by a licensing authority under this Part shall not constrain any later decision by the authority under the law relating to planning or building.

As such, Planning has been made aware that planning restrictions will not be taken into consideration. However, if granted then the applicant will be made aware that planning permission will need to be obtained before opening.

3.9 Social Services also submitted an objection:

I am writing to submit my objection to the application to vary the use of 2-4 Monnow Street, Monmouth

I am the Safeguarding Service Manager for Monmouthshire County Council.

My objection to the variation of shop usage is based on my professional views.

My concern is the location of the proposed Adult Entertainment Centre which is centrally located in a busy shopping area, easily frequented by children and vulnerable adults.

- 3.10 The applicant responded with the following additional information in response to Social Services objections on the 11th February 2021 which highlighted how the premises would be managed and as such they withdrew their objection:

Blasemere Limited is the Company that run and operate Henry Danter's businesses. The company was started in 1984 and is responsible for the operation of two large amusement parks, five adult gaming centres, four family entertainment centres and has an extensive property portfolio including town centre retail outlets. The company management have decades of experience in the operation of gaming establishments and have the relevant gambling commission licences to do so. Henry Danter has a separate operating license for the supply of gaming machines.

The gaming industry is very highly controlled, regulated and monitored.

Bacta (British Amusement Catering Trade Association) is a non-profit making organisation that we subscribe to in line with the gambling commission recommendation. They assist with training and compliance making sure that the very high standards of the gambling commission are complied with. They provide us with all the tools that we need to train our staff, updating regularly any changes to the laws and carrying out age verification spot checks to our adult gaming centres. Our local membership support officer is Tony Waldron who I believe has spoken to Samantha Winn about the application for an adult gaming centre in Monmouth.

The new business will be incorporated into Blasemere who will take on and train staff to work in the adult gaming centre.

The location on Agincourt square will be treated sensitively regarding visual impact. The entrance to the premises will be closely supervised to ensure that no children can gain entry and there will always be a member of staff on duty to verify the age of all customers. CCTV will be installed and senior management available to step in at all times. Staff will be trained to monitor the gambling activities of all customers and interact with them to ensure that they remain in control of their experience and that special attention is given to prevent access by vulnerable adults.

- 3.11 There were also 3 objections from interested parties (copies of all 3 objections are attached as Appendix C).

- 3.11.1 Dr Catrin Maby OBE objected with the following on the 11th January 2021 the main points of the objections being as follows, with a copy of the full objection attached within Appendix C:

I share the concern of those who are opposed to this application on the grounds that another gambling facility in the centre of Monmouth would add to the harm that gambling causes to individuals, families and local communities as well as online gambling.

The applicant responded on the 11th January 2021 with:

Thank you for forwarding the objections relating to the application for an adult gaming centre at our premises in Monnow Street.

There appears to be some confusion about the nature of an adult gaming centre. No one under the age of 18 is allowed access to an adult gaming centre and we operate an under 21 approach when asking for age verification.

The regulations governing us are very stringent and monitored constantly by the Gambling Commission and BACTA who provide training and support to us. All employees are fully trained to look for any sign of vulnerable persons gaining access and unlike online gambling facilities, where no such provision is made, interact with customers to uphold the gambling laws regarding problem gambling. Indeed all of our gambling establishments have information readily available to help the vulnerable and hold regular training sessions with staff to maintain very high standards.

There are no other adult gaming centres in Monmouth and feel that comparisons are very unfair. The objection appears to be mostly concerned with online gambling which cannot be compared to an adult gaming centre with all the controls in place. She writes in part as a parent. There is no danger to children from an adult gaming centre. She mentions advertising and sponsorship which is not relevant here. She mentions other gaming establishments and there is one betting shop in Monmouth.

There are many ways to gamble including lotteries and tickets available from almost every retailer. There are very few restrictions on the majority of gambling opportunities. What we propose is very highly regulated so that it does not attract or cause harm to the young and vulnerable. I cannot stress strongly enough that they will not have access to the premises.

I can assure the objectors that this will be a tastefully, well thought out operation and will not be an eyesore to Monmouth. We would very much like to try it as another empty property will be an eyesore.

After receiving the above response, the objection was not withdrawn.

3.11.2 Mr M Jones submitted the following with the objection attached within Appendix C:

I'm horrified to learn that there has been application for a Adult Gaming licence for the property that used to be DS Music in Agincourt Court Square / Monmow St in Monmouth.

Monmouth is a historic market town that makes it unique and different from the current High St's that are falling to the side. I understand that there are a number of empty shops in the town and possibly more to come and as a council you may be under pressure to fill them, however we do not need an establishment like this in the town. We want to see independent businesses that will attract not only locals but visitors also. Please place on record that is a objection to such license being granted. I will also contact my local councillor and AM to record my disapproval.

The following is the response from the applicant dated 16th January 2021:

In light of the current situation when DS music handed their notice in we advised the shops to let and even put the building up for sale. We had zero interest and couldn't afford an empty shop to go into disrepair when paying rates and bills for it with no income coming in.

We have arcades in towns, seaside and the country and run to the highest standards with the ultimate reputation.

Unfortunately it's not just an arcade that is gambling, betting shop, fruit machine in a pub and also lottery/scratch-cards is too which is Monmouth offers. We intend to open a business that offers fun and well being

Mr Jones took note of the response however he personally feels that such a business is not suitable for Monmouth and possibly these businesses work in a seaside town but I'm not sure about small market towns. The objection was not withdrawn.

- 3.11.3 The final objection was received on the 18th January 2021 a copy of the objection is attached as Appendix C:

I've recently noticed that an application for a gaming license has been applied for at the following property 2-4 Monnow st, Mouthmouth I'm a business owner in Agincourt Sq and I'd be very disappointed to see such an application granted. With the recent works that's have been carried out in the Sq, which I would imagine run into hundreds of thousands, we only want to see businesses that would attract people from far and wide. I believe that a business/venture of this nature would not do that.

The applicant responded with the following on the 19th January 2021:

From one business owner to another we should support each other in such unknown times. Both To let and sell have proved unsuccessful, we can't afford to have empty shop with rates and bills still to pay. Arcades is our trade so it's a no brainer we open as that. We have several arcades in towns, seaside and even the country all ran to the highest standards that bring fun and joy to many. We as owners and colleagues are trained by Bacta to perform up to date daily training in our industry.

The objection has not been withdrawn.

- 3.12 Section 5.34 of the guidance states that Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).
- 3.13 In considering the objections please refer to 3.3 above.
- 3.14 On the 10th February 2021 the applicant submitted the following further information in support of their application:

The Combined Operating Licence issued by the Gambling Commission is in the name of Blasemere Ltd trading as Blasemere Ltd of Symonds Yat Amusement & Leisure Park, Symonds Yat, Ross-on-Wye. Blasemere Limited is the Company that run and operate Henry Danter's businesses. The company was started in 1984 and is responsible for the operation of two large amusement parks, five adult gaming centre ,four family entertainment centres and has an extensive property portfolio including town centre retail outlets .The company management have decades of experience in the operation of gaming establishments and have the relevant gambling commission licences to do so. Henry Danter has a separate operating license for the supply of gaming machines. The gaming industry is very highly controlled regulated and monitored.

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4. REASONS:

4.1 To determine the application for an Adult Gaming Centre.

4.2 If granted, this Authority in accordance with s.153(1) of the Gambling Act 2005, must permits its use in so far as it thinks that to do so is:

- a. in accordance with any relevant code of practice issued by the Commission
- b. in accordance with any relevant guidance issued by the Commission
- c. reasonably consistent with the licensing objectives (subject to a and b above)
- d. in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

4.3 In 9.3 of the guidance issued by the Gambling Commission it states conditions on premises licences should relate only to gambling, as considered appropriate in the light of the principles to be applied by licensing authorities under s.153. Accordingly, if the Commission's [Licence conditions and codes of practice](#) (LCCP) or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not appropriate to impose the same through conditions on a premises licence.

4.4 Section 167 of the Gambling Act 2005 further requires mandatory conditions which are issued by the Secretary of State to be attached to the premises licence.

4.5 Section 2 of Monmouthshire County Council's Statement of Licensing Policy 2019 states that the Council may also consider measures to meet the licensing objectives when making such decisions, for example:

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, provision of information leaflets/helplines, measures/training for staff

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

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

Heddlu Gwent Police, South Wales Fire Service, and the following departments from Monmouthshire County Council, namely, Environmental Health, Social Services and Planning

7. BACKGROUND PAPERS:

Gambling Act 2005, Guidance for Local Authorities issued by the Gambling Commission, Monmouthshire County Council Statement of Licensing Policy 2019.

8. AUTHOR:

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