

Briefing Report No:

Public Agenda Item: **Yes**

Title: **Gambling Act 2005 – An application for an Adult Gaming Centre Premises Licence for Hollywood Slots, 71 Torbay Road, Paignton, TQ4 6AJ**

Wards Affected: **Roundham-with-Hyde**

To: **Licensing Sub-Committee**

On: **27 August 2026**

Contact Officer: **Julie Smart**

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1. Key points and Summary

- 1.1 To consider and determine an application, under the Gambling Act 2005 (herein after referred to as 'the Act') in respect of the premise detailed above, for the grant of an Adult Gaming Centre premises licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective "Protecting children and other vulnerable persons from being harmed or exploited by gambling".
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written representations if all parties have agreed that a hearing is not necessary. Having regard to the representations and issues arising, a decision must be made to take such steps as are appropriate for the promotion of the gambling licensing objectives. The options are:-
 - to grant the premises licence in the terms requested,
 - to grant the premises licence with conditions,
 - to reject the application.
- 1.5 Reasons for the decision must be given for inclusion in the appropriate notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Background Information

- 2.1 The Gambling Commission is responsible for regulating gambling in accordance with the Gambling Act 2005. The Gambling Commission also issue 'operating licences' to gambling businesses and 'personal licences' to individuals. To help fulfil its role, the Commission attach licence conditions and issue codes of practice relating to how gambling facilities should be provided, together with guidance to Licensing Authorities on how to implement their responsibilities under the Act. Operators must have or be in the process of applying for an 'operating licence' before they apply for a 'premises licence' in Local Authority areas.
- 2.2 Licensing Authorities are a key partner in gambling regulation, with a responsibility for overseeing 'non-remote' gambling in their local areas. This involves:
- setting the local framework for gambling through their statement of principles
 - considering applications and issuing licenses for premises where gambling takes place, with conditions where appropriate
 - reviewing or revoking premises licenses
 - issuing permits for some forms of gambling
 - undertaking inspection and enforcement activities, including tackling illegal gambling.
- 2.3 Like the Gambling Commission, Licensing Authorities are bound by a statutory 'aim to permit' in accordance with Section 153 of the Act, and must grant premises licenses so long as applications are:
- in accordance with the Gambling Commission's codes of practice
 - in accordance with the guidance to local authorities
 - in accordance with the licensing authority's own statement of principles
 - reasonably consistent with the three licensing objectives.
- 2.4 The Licensing objectives as set out in section 1 of the Act are:
- 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
 - 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.
- 2.5 For information purposes only, records held by the Torbay Council Licensing Department show the following premises can provide facilities for gambling within the Roundham-with-Hyde ward of Paignton:

Adult Gaming Centres:

Leisure 2000 (AGC1), 81-89 Torbay Road, Paignton, TQ4 6AJ
Leisure 2000 (AGC3), 81-89 Torbay Road, Paignton, TQ4 6AJ
Hollywood Slots, 77-79 Torbay Road, Paignton, TQ4 6AJ
Leisure 2000 (AGC4), 81-89 Torbay Road, Paignton, TQ4 6AJ
Leisure 2000 (AGC5), 81-89 Torbay Road, Paignton, TQ4 6AJ
Leisure 2000 (AGC6), 81-89 Torbay Road, Paignton, TQ4 6AJ
Merkur Slots, 33 Victoria Street, Paignton, TQ4 5DD

3. Adult Gaming Centres (AGCs)

3.1 An Adult Gaming Centre premises licence entitles the holder to make gaming machines available for use within an Adult Gaming Centre. The Act permits the following:

- Category B machines - Category B machines are limited to B3 and B4 and the number of category B machines must not exceed 20% of the total number of gaming machines which are available for use on the premises.
- Unlimited category C and D machines.

3.2 Below is an explanation of the categories of machines and the maximum stakes and prizes:

B3	B4	C	D
Maximum Stake £2	Maximum stake £2	Maximum stake £1	Maximum stake for Money prize 10p
Maximum prize £500	Maximum prize £400	Maximum prize £100	Maximum prize £5

3.3 The following details the access permitted to an AGC:

- No one under the age of 18 is permitted to enter an Adult Gaming Centre.
- No customer must be able to access the premises directly from any other licensed gambling premises.

3.4 Section 28 of our [gambling-act-2005-statement-of-principles-2025-2028.pdf](#) sets out our policy in respect of applications for Adult Gaming Centres. This states that the Licensing Authority will have specific regard to the Licensing Objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling and the Applicant will be expected to offer their own measures which must be included in the Local Area Risk Assessment to meet the licensing objectives.

3.5 Further information on AGCs can be found in the:

- [Gambling Commissions guidance to Local Authorities.](#)
- [Licence Conditions and Codes of Practice \(gamblingcommission.gov.uk\)](#)

3.6 Mandatory and default conditions of AGCs

The majority of premises licenses under the Act will have mandatory and/or default conditions attached to the licence under The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007. Default conditions are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Licensing Authority.

Mandatory conditions are automatically attached to a specific type of premises licence; the Licensing Authority has no discretion to alter or remove these conditions. These are detailed below:

3.7 Mandatory conditions attached to all premises licenses.

- 1) *The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence.*
- 2) *The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.*
- 3) *The layout of the premises shall be maintained in accordance with the plan.*
- 4) *The premises shall not be used for –
(a) the sale of tickets in a private lottery or customer lottery, or
(b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.*

3.8 Mandatory conditions attached to Adult Gaming Centre premises licenses

- 1) *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.*
- 2) *No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.*
- 3) *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.*
- 4)
 - (1) *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.*
 - (2) *A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.*

3.9 There are no Default Conditions on an Adult Gaming Centre licence.

4. Local Area Risk Assessments

- 4.1 The Licensing Authority needs to be satisfied that there is sufficient evidence that the location of the premises would not undermine the licensing objectives, as set out at paragraph 2.4.
- 4.2 The Gambling Commission's [Licence Conditions and Codes of Practice \(LCCP\)](#), sets out requirements for licensees to assess local risks posed by the provision of gambling facilities at their premises and to have policies, procedures and control measures in place to mitigate those risks. The codes of practice require licensees to share their risk assessment with Licensing Authorities.
- 4.3 Section 22 of Torbay Council's Gambling Statement of Gambling Principles 2025-2028 details what the Authority expects applicants to consider and detail in

their risk assessments.

5. The Application

- 5.1 An application has been made under Section 159 of the Act for the grant of an Adult Gaming Centre premises licence at 71 Torbay Road, Paignton.

The Applicant is Hollywood Slots UK.

The application form is shown at Appendix 1.

The plan of the premises is shown at Appendix 2. This plan appears to show a total of 146 gaming machines, which would allow the premises to make 29.2 category B3 or B4 gaming machines available for use. However, the application and plan do not indicate whether any hand held gaming machines will be available within the premises, which may increase the total number of category B3 and B4 machines available for use.

The Applicant's Local Area Risk Assessment is shown at Appendix 3.

- 5.2 The Act and associated regulations do not restrict the times that AGCs can operate. Therefore, AGCs may be open 24 hours, with the exception outlined in Section 183 of the Act which applies a condition on all premises licenses that facilities for gambling must not be provided on Christmas Day. This application does not seek to restrict operating hours outside of this 24-hour entitlement.
- 5.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Sections 159 and 160 of the Act but is unable to issue the premises licence, as Representations have been received. The Licensing Authority is also satisfied that the Representations were received within the appropriate timescale, have not been subsequently withdrawn and are not vexatious or frivolous.
- 5.4 Two representations have been received from the following in respect of the licensing objective "Protecting children and other vulnerable persons from being harmed or exploited by gambling":

- The Licensing Authority (a Responsible Authority), and
- Public Health (an Interested Party).

These representations are shown at Appendix 4 of this report.

No representations have been received from any other Responsible Authority or Interested Party.

The Applicant's Legal Representative has provided a response to the Representations. This is shown at Appendix 5.

- 5.5 The Licensing Authority is required to conduct a hearing by the provisions of Section 162 of the Act.
- 5.6 Appropriate Notices have been issued to all parties, as required by the Gambling Act 2005 (Proceedings of Licensing Committee and Sub-committees) (Premises

Licences and Provisional Statements) (England and Wales) Regulations 2007, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.

6. The Legal Position

6.1 Section 153 of the Act, provides that in determining applications the Licensing Authority shall aim to permit the use of the premises for gambling in so far as it thinks it is—

- in accordance with any relevant (Gambling Commissions) code of practice under section 24,
- in accordance with any relevant guidance issued by the Gambling Commission under section 25,
- reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- in accordance with the Torbay Council 'Statement of Principles'.

6.2 In making its decision, the Committee are required to have regard to:

- the Representations (including supporting information) presented by all the parties; and
- Torbay Council's Gambling Statement of Principles 2025-2028
- The Gambling Commission Guidance to Local Authorities: Part 21 - [Adult Gaming Centres – all 5 paragraphs](#)
- The Gambling Commission's code of practice: Licence conditions and codes of practice (LCCP) - [assessing local risk](#)

6.3 In determining whether to grant a premises licence a Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

6.4 If the Licensing Authority issues an Adult Gaming Centre premises licence, this will be subject to the mandatory conditions applicable to such premises licenses, as prescribed under Section 167 of the Act. The mandatory conditions are detailed in paragraph 2.9 above.

6.5 Further to the mandatory conditions, where a Licensing Authority issue a premises licence they may:

- a) attach a condition to the licence
- b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 of the Act (default conditions) There are, however, no default conditions prescribed under section 168 of the Act in relation to Adult Gaming Centre premises licences.

6.6 Section 206 of the Act makes provision for appeals to be made by the Applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

6.7 Following such appeal, the Magistrates' Court may—

- a) dismiss the appeal;

- b) substitute for the decision appealed against any decision that the licensing authority could have made;
- c) remit the case to the licensing authority to decide in accordance with a direction of the court;
- d) make an order about costs.

Rachael Hind
Regulatory Services Manager

Appendices

Appendix 1	Application form
Appendix 2	Plan of Premises
Appendix 3	Local Area Risk Assessment
Appendix 4	Representations
Appendix 5	Legal Representative's Response to the Representations

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

[Gambling Act 2005](#)

[Guidance to licensing authorities](#)

[gambling-act-2005-statement-of-principles-2025-2028.pdf](#)

[The Gambling Act 2005 \(Proceedings of Licensing Committees and Sub-committees\) \(Premises Licences and Provisional Statements\) \(England and Wales\) Regulations 2007](#)

[Licence Conditions and Codes of Practice](#)

[The Categories of Gaming Machines Regulations 2007](#)