



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 10 August 2007**

**APPLICATION FOR PROVISIONAL STATEMENT
BETTING (Other) PREMISES**

Section 204 Gambling Act 2005

Applicant: Pagebet Bookmakers Limited, Houghton House, Belmont Business Park,
Durham, DH1 1TW

Ref.No: MBRO/GPR0001

Premises: 19 Newport Road, Middlesbrough, TS1 1LE

Application received: 15 June 2007

Proposed Hours for Licensable Activities:

7.00am – 10.00pm Daily (Except Christmas Day) - as per Default Conditions

Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.

1. Notification to Responsible Authorities:

The following Responsible Authorities have all received notification of the application:

The Licensing Authority
Chief Police Officer
Planning
Area Child Protection Group

The Gambling Commission
Chief Fire Officer
Environmental Health
HM Revenue and Customs

2. Application advertised by the applicant: Evening Gazette 16 June 2007

3. The Application – Provisional Statement

Under the Gambling Act 2005, a person may make an application for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered; or
- expects to acquire a right to occupy

The provisional statement procedure provides a mechanism for the applicant to judge whether a development is worth taking forward in light of the need to obtain a premises licence before entering into a contract to buy or lease property or land.

The process for considering an application for a provisional statement is the same as that for a premises licence. However, there is no requirement for the applicant to hold or have applied for an operating licence from the Gambling Commission and the Committee should not therefore take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement. Also there is no requirement for the applicant to have a right to occupy the premises.

Once the premises has been constructed, altered or acquired the holder of a provisional statement can then submit an application for a premises licence. Again Responsible Authorities and Interested Parties may make representations, however, at this stage no further representations can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they are representations which reflect a change in the applicant's circumstances.

4. Background Information

The premises consist of the ground and first floor of a building situated in a parade of shops on Newport Road, a busy shopping street in Middlesbrough Town Centre. The applicant intends to use the ground floor only for gambling activities with the first floor being used only for staff facilities.

5. The Representations

The Gambling Act 2005 allows Responsible Authorities and Interested Parties to make representations in respect of applications for provisional statements. The Responsible Authorities are listed in paragraph 1 in this report. There have been no objections from the Responsible Authorities in relation to this application.

An Interested Party is defined in the Act as a person who: -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy (a) or (b).

Representations must also be relevant to the application. The Gambling Commission guidance states representations are likely to be relevant if they relate to the licensing objectives or raise issues under the Council's Statement of Principles, the Gambling Commission's Guidance or Codes of Practice. Expected demand for the facilities which the premises propose to provide is not a relevant consideration.

On 27 June 2007 a representation was received from Harper Macleod LLP, acting on behalf of William Hill Organization Limited who have business interests at 17 Corporation Road and 118/120 Linthorpe Road, Middlesbrough (Appendix 2). The representation refers to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

On 11 July 2007 a representation was received from Walker Morris, acting on behalf of Ladbrokes Betting & Gaming Limited who have business interests at Unit 15 Captain Cook Square and 55/57 Albert Road, Middlesbrough (Appendix 3). The representation refers to the licensing objectives of preventing gambling from being a source of crime and disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.

6. Considerations

The considerations the Committee should take into account when deciding whether or not to grant the Provisional Statement are as follows:

- a. The Committee shall aim to permit the use of premises for gambling in so far as it thinks fit
- b. The application is in accordance with any relevant code of practice issued by the Gambling Commission
- c. The application is in accordance with any relevant guidance issued by the Gambling Commission
- d. The application is reasonably consistent with the licensing objectives, namely,
 - preventing gambling from being a source of crime and disorder
 - ensuring that gambling is conducted in a fair and open way, and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- e. The application is in accordance with Middlesbrough Council's Statement of Principles.

The Committee must not have regard to the expected demand for the facilities which the premises are to provide nor whether or not the proposal is likely to obtain planning permission or building regulation approval.

7. Options

The Committee may grant the application, exclude a default condition or add or amend a condition, or reject the application.

The mandatory conditions in relation to this application are contained in Regulation 3 and 14, Part I of Schedule 5 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007.

The default condition in relation to this application is contained in Regulation 15, Part II of Schedule 5 of those Regulations, namely, that no facilities for gambling shall be provided on the premises between the hours of 10.00pm on one day and 7.00am the next day.

8. Relevant parts of the Codes of Practice, Guidance and Statement of Principles.

- a. Codes of Practice Any relevant part
- b. Guidance Part 5 - Pages 21 – 25
 Part 7- Pages 35 – 40
 Part 8 - Pages 43 – 44 (paragraphs 8.10 – 8.18)
 Part 9 - Pages 45 – 49
 Part 11 - Pages 53 – 54
 Part 19 - Page 84

Or any other relevant part.

- b. Statement of Principles Part A - Pages 2,4,7
 Part B - Pages 12 – 18, 22,25

Or any other relevant part.

Contact Officer: Tim Hodgkinson
 Principal Licensing Officer
 Tel. 728720

Ed Chicken
Head of Community Protection
Date 20 July 2007

For admin use only:

Decision:

Reasons: