

MIDDLESBROUGH COUNCIL

AGENDA ITEM 3

COMMITTEE REPORT

LICENSING SUB COMMITTEE C

15 MAY 2012

REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION

APPLICATION FOR PREMISES LICENCE BETTING (OTHER) PREMISES

Section 159 Gambling Act 2005

Applicant: Ladbrokes Betting and Gaming Ltd

Ref.No: MBRO/GPR0056

Premises: Unit 20 Marton Shopping Centre, Stokesley Road, Marton,
Middlesbrough

Application received: 8 March 2012

Proposed Hours for Licensable Activities:

7.00am – 10.00pm Daily - 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	The Gambling Commission
Chief Police Officer	Chief Fire Officer
Planning	Environmental Health
Area Child Protection Group	HM Revenue and Customs

2. Application advertised by the applicant: Evening Gazette 9 March 2012

3. Background Information

The premises consist of the ground floor of a building situated in a parade of shops on Stokesley Road, a busy shopping area in a residential area of the town.

4. The Representations

The Gambling Act 2005 allows Responsible Authorities and Interested Parties to make representations in respect of applications for premises licences. 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 3 April 2012 a representation was received from Dr W D Kean, a local resident (Appendix 2). The representation refers to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

On 3 April 2012 a representation was received from Councillor Dorothy Davison, Ward Councillor for the Marton Ward, on behalf of both herself and Councillor Tom Mawston, the other Councillor for the Marton Ward. (Appendix 3). The representation refers to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

On 3 April 2012 a representation was received from Ann Lesley Rigg, Secretary of Marton Community Council (Appendix 4). The representation refers to the licensing objective of protecting children and other vulnerable persons from harm.

5. Considerations

The considerations the Committee should take into account when deciding whether or not to grant the Application 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.

6. 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.

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

Codes of Practice : Any relevant part

Guidance

Part 5 - Principles to be applied by licensing authorities	Pages 5-1 to 5-5
Part 7 - Premises Licences	Pages 7-1 to 7-9
Part 8 - Responsible authorities and interested parties	Pages 8-1 to 8-2
Part 9 - Premises licence conditions	Pages 9-1 to 9-5
Part 19 - Betting premises	Page 19-1

Or any other relevant part section of the guidance.

Statement of Principles : Any other relevant part.

Contact Officer: John Hodgson
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Ed Chicken
Assistant Director Community Protection
Date 15 May 2012

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Decision:

Reasons: