

Report of:	Director of Adult Social Care and Health Integration (Licensing) and Legal Services
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Submitted to:	Licensing Sub-Committee A
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Date:	12 July 2023
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Title:	Applications to Vary Premises Licences under the Gambling Act 2005 ("the Act")
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Report for:	Decision
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Status:	Public
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Key decision:	Not applicable
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Why:	Not applicable
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Urgent:	Not applicable
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Why:	Not applicable
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Executive summary

THE APPLICATIONS

1. Application to Vary an Adult Gaming Centre Premises Licence at 22 Newport Road Middlesbrough TS17 7BU
2. Application to Vary a Converted Casino Premises Licence currently situated at Aintree Oval, Teesside Leisure Park, Middlesbrough TS17 7BU

THE PARTIES

1. The Applicant (1) Luxury Leisure, Fifth Avenue Plaza, Queensway, Team Valley Trading Estate Tyne and Wear NE11 0BL.
2. The Applicant (2) Double Diamond Gaming Ltd, 10th Floor, Cobalt Square, 85 Hagley Road, Birmingham B16 8CQ
3. Responsible Authority – the Licensing Authority representative
4. Responsible Authority - The Director of Public Health (through the Public Protection Service) representative

Appendices

1	The Premises Licence for the Adult Gaming Centre 22 Newport Road
2.	Plan attached to the Premises Licence for the Adult Gaming Centre Premises Licence
3	The Premises Licence for the Converted Casino Premises at Teesside Leisure Park
4.	Summary of the Terms and Conditions of the Converted Casino Premises Licence
5	The Application to Vary the Adult Gaming Centre Premises Licence
6.	The Plan attached to the Application to Vary the Adult Gaming Centre Premises Licence
7.	The Application to Vary the Converted Casino Premises Licence
8.	The Plan attached to the Application to Vary the Converted Casino Premises Licence
9.	The Representation made by the Licensing Authority against the Application to Vary the Adult Gaming Centre dated the 28 April 2022
10.	The Representation made by the Licensing Authority against the Application to Vary the Converted Casino Premises Licence dated 28 April 2022
11.	The Representation made by Public Protection against the Application to Vary the Converted Casino Premises Licence dated 28 April 2022
12	Copy of the Notice of Hearing sent to the Parties
13.	<p>OTHER DOCUMENTATION</p> <p>The Parties have been requested to endeavour to supply documentary information they wish to rely on at least five days before the Hearing, any such documentation will be circulated separately to this report</p> <p>Regulation 9(4)(b) of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 states:</p> <p>In conducting a hearing the relevant committee must take into consideration any documentary or other information in support of the application or representations produced by a party (i) before the hearing or (ii) at the hearing, with the consent of all the other parties attending the hearing.</p>

Background and relevant information

1. An Application was made by Luxury Leisure to vary a premises licence which relates to an Adult Gaming Centre at 22 Newport Road Middlesbrough which is in Central Ward on the 01 April 2022. The Application to vary is to remove part of the area which is currently licensed as an Adult Gaming Centre.
2. An Application was made by Double Diamond Gaming Ltd to vary a premises licence which relates to a converted casino at Teesside Leisure Park on the 01 April 2022. Converted casinos means casinos where the operators had licences under the Gaming Act 1968 and were granted or the licences were “converted” to a casino premises licence under “grandfathering” arrangements. The Application to vary is to move or transfer the Converted Casino Premises Licence from Teesside Leisure Park to a premises at 22 Newport Road Middlesbrough. The Application is also to remove the Default Condition under Part 6 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 which requires all casinos to open noon until 6.00am so that the proposed premises can operate on a 24 hour basis
3. Section 187 of the Act states that a holder of a premises licence may apply to the licensing authority to vary the licence.

4. The Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006, Schedule 4, paragraph 65 (12 and 13) disapplies the prohibition in Section 187(2) of the Act that “a licence may not be varied so as to relate to premises to which it did not previously relate”. The Applicant is therefore permitted to apply to vary the converted casino to different premises.
5. Notices of the Applications to Vary the Premises were posted on site, published in a local newspaper and given to the Responsible Authorities on the 06 April 2022 in accordance with Regulation 12 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.
6. Representations were received by the Licensing Authority against the Application to vary the Adult Gaming Centre by the Licensing Authority (acting as a Responsible Authority) on the 28 April 2022. Representations were received against the Application to vary the converted casino premises licence by the Licensing Authority (acting as a Responsible Authority) and The Director of Public Health through the Public Protection Service (being the Responsible Authority which has functions in respect of minimising or preventing the risk of pollution to the environment or of harm to human health for the area) on the 28 April 2022
7. The representations were received within the 28 day period permitted for receipt of representations under Regulation 15 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

The Requirement to Hold a Hearing

8. Section 187 (3) of the Act which deals with Applications to vary premises licences applies Part 8 of the Act to applications to vary as they apply for new applications for premises licences (subject to any modifications in section 187 itself and any other necessary modifications).
9. Section 162 (within Part 8) of the Act requires the Licensing Authority to hold a hearing if an interested party or responsible authority has made (and not withdrawn) representations about the application.

Principles to be applied

10. Under Section 153 of the Act, the licensing sub committee shall aim to permit the use of premises for gambling in so far as it thinks it
 - (a) in accordance with any relevant Gambling Commission Code of Practice,
 - (b) in accordance with any relevant guidance issued by the Gambling Commission,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs a and b above). (The licensing objectives are:
 - 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, and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
 - (d) in accordance with the statement published by the Licensing Authority (the Policy)

11. The Gambling Commission Licensing Conditions and Codes of Practice and the Gambling Commission's Guidance to Local Authorities are available through the following links and have been supplied to Members
[Licence Conditions and Codes of Practice \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/conditions-and-codes-of-practice)
[Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)
12. The Policy expired in January 2022 and is currently under review, the Policy is available through the following link and has previously been supplied to Members.
[Gambling policy 2019 - 2022 \(middlesbrough.gov.uk\)](https://www.middlesbrough.gov.uk/gambling-policy-2019-2022)

The Steps that may be taken

13. Under Section 163 of the Act, the Licensing Sub Committee may grant the Applications or reject the Applications
14. Section 169 of the Act enables the Licensing Sub Committee, where a decision is made to grant the Applications, to attach a condition or conditions to the Premises Licences or exclude a default condition from the Premises Licence if it considers it appropriate to do so.

The Parties may make representations on this report at the hearing.

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