

Licensing Section  
Public Protection Service  
Middlesbrough Council

28 April 2022

### **Representation in respect of application to vary the Adult Gaming Centre at 22 Newport Road, Middlesbrough.**

The Licensing Authority as responsible authority under Section 157 (a) is making a representation under Section 161 of the Act in relation to the application to vary the Adult Gaming Centre premises licence to reduce the layout of the premises at 22 Newport Road, Middlesbrough to allow the siting of a converted Casino Premises licence alongside.

It is noted, under Section 153 of Act in carrying out its functions, the Licensing Authority shall aim to permit gambling in so far as it thinks it:

- a. in accordance with any relevant code of practice under s.24
- b. in accordance with any relevant guidance issued by the Commission under s.25
- 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)

It is noted the Gambling Commission Guidance at paragraphs 1.27 confirms "aims to permit" regime provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance, the licensing objectives or the Licensing Authority's Policy Statement.

It is noted in paragraphs 1.37 and 4.10 of the guidance that a Licensing Authority has no discretion to grant a licence where that would mean taking a course which it did not think accorded to the Guidance, any relevant codes of practice, the licensing objectives or the Licensing Authority's Statement.

It is noted the licensing objectives under the act 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority as Responsible Authority is making representations against the Application on the following grounds.

### **RISK ASSESSMENT (LCCP Code 10)**

The Applicants do not appear to have carried out a local risk assessment which is a condition and a requirement under Social Responsibility Code 10.1.1.

The Council has not received the Applicant's assessment of the local risks to the licensing objectives posed by the variation of an Adult Gaming Centre to enable an adjacent or adjoining casino or the policies procedures and control measures to mitigate those risks which is a breach of the Ordinary Code 10.1.2

### **PREMISES (S152) AND ACCESS TO PREMISES FROM AGC**

No information has been provided to ensure that the operation will be a wholly separate premises to the proposed converted casino licence in accordance with section 152 and also no information has been provided that there will be no access from the AGC to the Casino and vice versa.

### **OBJECTIVES**

The premises is situated in Central Ward in the town centre area, near to numerous licensed premises selling alcohol. The area already suffers from high levels of crime and disorder and deprivation. So much so that for a number of years this area has been included in a cumulative impact area for premises licensed under the Licensing Act 2003. Although the application is to reduce the size of the current AGC it is understood that variation is to enable a converted casino to be located in part of the premises removed then later expanded and transferred to Luxury Leisure, the holders of the AGC. No detail of the proposals or impact of the proposals have been received and such an operation in that area is likely to lead to harm to the objectives.

Yours faithfully

Tim Hodgkinson  
Licensing Manager