

Licensing Section
Public Protection Service
Middlesbrough Council

28 April 2022

Representation in respect of application to vary the converted Casino Premises Licence to relocate from its location at Teesside Park to premises at 22 Newport Road, Middlesbrough.

The Licensing Authority as responsible authority under Section 157 (a) of the Gambling Act 2005 is making a representation under Section 161 of the Act in relation to the application to vary the converted casino premises licence by Double Diamond Gaming Limited at Aintree Oval Teesside Park Middlesbrough to premises at 22 Newport Road Middlesbrough.

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.

The Licensing Authority does not consider that the application is simply a technical matter of “parking” a licence with a condition not to operate until a later date when further applications to vary to extend the area and then transfer to operators who hold the licence for the Adult Gaming Centre are made.

The licensing authority considers this is an application to bring a casino to premises in Newport Road in the Town Centre, within, next to or adjoining an adult gaming centre and to ultimately operate for 24 hours by applying to remove the default condition.

There has been no consideration of siting a casino with its machine entitlement next to an Adult Gaming Centre which carries its own gaming machine entitlement in the area proposed.

The Licensing Authority considers there is no separate process for applications to vary converted casino licences with a condition not to operate or “parked” licences and nothing that disapplies the requirement for Applicants to comply with the provisions of the Act, regulations, guidance, LCCP, objectives and Policy.

The Licensing Authority considers that in accordance with guidance premises licences should not be granted if Applications do not accord with the Guidance, Licensing Conditions and Codes of Practice (LCCP), Objectives or Policy.

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 provision of a casino or the policies procedures and control measures to mitigate those risks which is a breach of the Ordinary Code 10.1.2

RIGHT TO OCCUPY PREMISES (S159(5))

An application to vary can only be made by a person who has a right to occupy the premises to which the application relates. The application is the variation of a converted casino premises licence at Teesside Park. It appears the Applicants no longer have the right to occupy that premises and therefore are unable to apply for the variation under Section 159(5) of the Act.

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 Adult Gaming Centre 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.

SOCIAL RESPONSIBILITY CODE 3

It is unclear how the entrance will be supervised in accordance with the requirement of the Social responsible code 3.2.1 and the ordinary code 3.2.2

GAMING MACHINES

It does not appear the proposals will comply with Social Responsibility Code 9 or the Guidance at part 17 with regard to the provision of substantive facilities for casino games and/or games of equal chance and supervision of those facilities and how the premises will be such that a customer can recognise as a casino.

The Licensing Authority is concerned that the casino is to be used as a vehicle of offer higher stake and prize gaming machines, in addition to it being positioned adjoining an Adult Gaming Centre which also could have 20% of the overall machines being higher stake and prize gaming machines.

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. It is not clear what the proposals are, however, a converted casino with its machine entitlement in that position is likely to lead to harm to the objectives.

Yours faithfully

Tim Hodgkinson
Licensing Manager