

THE GAMBLING ACT 2005 (PROCEEDINGS OF LICENSING COMMITTEES AND SUB COMMITTEES) (PEMISES LICENCES AND PROVISIONAL STATEMENTS) REGULATIONS 2007 (“the Regulations”)

NOTICE OF LICENSING SUB COMMITTEE HEARING UNDER REGULATIONS 5 AND 6

1. APPLICATION TO VARY A CONVERTED CASINO PREMISES LICENCE IN RELATION TO PREMISES AT 22 NEWPORT ROAD MIDDLESBROUGH

2. APPLICATION TO VARY AN ADULT GAMING CENTRE PREMISES LICENCE IN RELATION TO PREMISES AT 22 NEWPORT ROAD MIDDLESBROUGH

To the Parties

Applicant (1) Double Diamond Gaming Ltd
10th Floor, Cobalt Square
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Applicant (2) Luxury Leisure
Fifth Avenue Plaza
Queensway
Team Valley Trading Estate
Tyne and Wear NE11 0BL
Philip Somarakis PhilipSomarakis@incegd.com
Andrew Cotton AndrewCotton@incegd.com

Responsible Authority The Director of Public Health through Public Protection Services (being the body which has functions in respect of minimising or preventing the risk of harm to human health in an area in which the premises are wholly or partly situated)
Judith Hedgley
Judith_hedgley@middlesbrough.gov.uk

Responsible Authority The Licensing Authority
Tim Hodgkinson
Email tim_hodgkinson@middlesbrough.gov.uk

Date of Notice 23 June 2023

Date and Time of Hearing 12 July 2023 at 10.00am

Place of Hearing	Mandela Room, Town Hall, Middlesbrough
Application	Application to Vary a Converted Casino Premises Licence currently situated at Aintree Oval, Teesside Park, Middlesbrough TS17 7BU Application to Vary an Adult Gaming Centre Premises Licence at 22 Newport Road Middlesbrough TS1 5AE
Proposed Premises	22 Newport Road Middlesbrough TS1 5AE.

The Licensing Sub Committee will make available the following documents if requested by any person who has made representations in accordance with Regulation 5 (2) (b) of the Regulations

1. Representation by the Licensing Authority in respect of the application to vary the Converted Casino Licence dated 28 April 2022
2. Representation by the Director of Public Health in respect of the application to vary the converted casino licence dated 28 April 2022
3. Representation by the Licensing Authority in respect of the application to vary the Adult Gaming Centre dated 28 April 2022

INFORMATION TO ACCOMPANY THIS NOTICE UNDER REGULATION 6 OF THE REGULATIONS

1. Regulation 6(1) (a) - Attendance

Failure of Parties to attend a hearing

(1) The Sub Committee may proceed with a hearing in the absence of a party or a party's representative if the party has—

(a) informed the committee that he does not intend to attend or be represented at the hearing (and has not subsequently advised the committee otherwise);

(b) failed to inform the committee whether he intends to attend or be represented at the hearing; or

(c) left the hearing in circumstances enabling the committee reasonably to conclude that he does not intend to participate further.

Regulation 10(1) of the Regulations

2. Regulation 6(1) (b) – Conduct of Hearings

Hearings to be public

(1) Subject to paragraph (2), the hearing must take place in public.

(2) The Sub committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all the circumstances of the case, having regard to—

(a) any unfairness to a party that is likely to result from a hearing in public; and

(b) the need to protect as far as possible, the commercial or other legitimate interests of a party.

Regulation 8 of the Regulations

Proceedings of the Sub Committee in conducting the Hearing

(1) Subject to Regulations 8 and 11, the sub committee must permit a party to attend a hearing and be assisted or represented by any person whether or not that person is legally qualified.

(2) At the beginning of the hearing the sub committee must explain the procedure that it proposes to follow in conducting the hearing.

(3) In conducting a hearing the sub committee must ensure that each party is given the opportunity to—

(a) address the sub committee on any matter that is relevant to the application or any representations made on the application;

(b) call witnesses to give evidence on any matter that is relevant to the application, or any representations made on the application;

(c) provide further information on, or explanation of, any matter on which the sub committee has indicated that it will want further clarification under regulation 6(1) (j).

(4) In conducting a hearing the sub committee must also—

(a) permit any party to question any other party or person representing a party on any matter that is relevant to the application or any representations made on the application, or where the sub committee considers that in all the circumstances it is

appropriate to do so; and

(b) take into consideration 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.

(5) Without prejudice to paragraphs (3) and (4), a hearing must be conducted so that it takes the form of a discussion led by the sub committee, and the sub committee must not permit any cross-examination unless it considers that cross-examination is required for it properly to consider the application or representations made by any party.

(Regulations 9 of the Regulations)

3. Regulation 6(1)(c) - Attendance

Attendance by the Parties

Were a party has indicated that they do intend to attend or be represented at the hearing, but fails to attend or be represented, the sub committee may—

(a) adjourn the hearing to a specified date if it considers it to be in the public interest, or

(b) proceed with the hearing in the party's absence.

(Regulation 10(2) of the Regulations)

4. Regulation 6(1)(d) – Hearings Procedure

Procedure of the Hearing

The Procedure of the Hearing is set out in the Appendix to this Notice

The Chair or legal advisor will explain the procedure that the sub committee proposes to follow in conducting the hearing. The general procedure is attached to this notice however, the sub committee may make amendments to this procedure as and when it considers it necessary to do so.

5. Regulation 6(1)(e) - Time Limit and method, attendance of Parties

The Parties should inform the sub committee at least five days before the date for the hearing that they wish to attend or address the hearing

6. Regulation 6(1)(f) - Time Limit and Method, attendance of Representatives

The Parties should inform the sub committee in writing at least five days before the date for the hearing that they wish to be assisted or represented by another person

7. Regulation 6(1)(g) - Time Limit and Method, attendance of witnesses

The Parties should inform the sub committee in writing at least five days before the date for the hearing if they intend to call a witness to give evidence at the hearing and the matters in relation to which they wish that witness to give evidence.

8. Regulation 6(1)(h) - Time Limit and method, withdrawal of representations

The Parties should inform the sub committee in writing, at least five days before the date for the hearing if they wish to withdraw their representations

9. Regulation 6(1)(i) - Time limit and method – consent to determination without a hearing

The Parties should inform the sub committee in writing, at least two days before the date for the hearing if they consent to the application being determined without a hearing hearing

10. Regulation 6(1)(j) - Matters for clarification

(1) There are no matters at this stage that the sub committee will want clarification at the hearing.

(2) If a Party intends to rely on documentation or other written information in accordance with Paragraph 2 above (and Regulation 9 (4)(b) of the Regulations) the Party wanting to rely on that documentation or written information should endeavor to provide it to the licensing sub committee and the other Parties at least five days before the hearing.

Regulation 6(2) – Attached Documents

The following representations are attached to this Notice

Representation by the Licensing Authority in relation to the application to vary the converted casino licence dated 28 April 2022

Representation by the Director of Public Health in relation to the application to vary the converted casino licence dated 28 April 2022

Representation by the Licensing Authority in relation to the application to vary the Adult Gaming Centre Licence dated the 28 April 2022

THE GAMBLING ACT 2005 LICENSING SUB COMMITTEE GENERAL HEARING PROCEDURE

The Chair or legal advisor will explain the procedure that the sub committee proposes to follow in conducting the hearing. The sub committee may make amendments to this procedure as and when it considers it necessary to do so. The sub committee may go into private session to debate or consider applications throughout the process of the hearing with guidance from its legal advisor

INTRODUCTION OF THE MATTER BEFORE THE COMMITTEE

- The Chair welcomes the parties and introduces the Members and Officers
- The Chair briefly explains the matter before the committee
- The Chair deals with any Membership changes and interests
- The Chair confirms whether the hearing is to be a public meeting or held in private
- The Committee deals with the issue of absent parties (if any), the admission of witnesses and documentary evidence
- The Committee determines in view of the above whether or not to proceed with the hearing or adjourn / postpone to a later time or date.
- Chair confirms to procedure that will be followed at the hearing

THE LICENSING OFFICER OUTLINES THE CASE

- The Chair asks the Licensing Officer to summarise the case by reference to the report and any additional admitted evidence.
- The Chair asks the parties whether they consider the report to be accurate
- If the report is not accurate the committee can note the amendments if required.

THE APPLICANT PRESENTS HIS / HER CASE

- The Chair asks the applicant to present their case
- The Committee ask the applicant questions
- The Chair may give permission for the other parties to ask the applicant questions
- The Chair asks the applicant's witnesses to give evidence
- The Committee ask the witnesses questions
- The Chair may give permission for the other parties to ask the witnesses questions.

THE RESPONSIBLE AUTHORITIES / INTERESTED PARTIES PRESENT THEIR CASE

- The Chair asks the Responsible Authority / Interested Party to present his / her case
- The Committee ask the Responsible Authority / Interested Party questions
- The Chair may give permission for the applicant to ask the Responsible Authority / Interested Party questions
- The Chair asks the Responsible Authority / Interested Party's witnesses to give evidence
- The Committee ask the witnesses questions
- The Chair may give permission for the applicant to ask the witnesses questions.

RESPONSIBLE AUTHORITIES / INTERESTED PARTIES SUM UP THEIR CASE

THE APPLICANT SUMS UP HIS / HER CASE

CONCLUSION OF HEARING

- Chair asks if the parties have said everything they want to so that is relevant
- The Chair asks the parties to leave excluding the Governance Officer and Legal Advisor in order to deliberate the matter.

DECISION AND REASONS

The committee may determine the matter after the conclusion of the hearing and recall the parties to inform them of the decision, however, where deliberation may take some time, the decision and reasons in most cases will be given no later than five working days from the day after the hearing concludes, however this may be extended if it is in the public interest to do so.