

## TITLE: APPLICATION FOR A NEW GAMBLING PREMISES LICENCE

<b>Committee</b>	Licensing Sub Committee
<b>Officer Contact</b>	Stephanie Waterford 01895 277232
<b>Papers with report</b>	<ul style="list-style-type: none"><li>• Appendix 1 – Copy of application form</li><li>• Appendix 2 – Copies of petition and letter from interested parties</li><li>• Appendix 3 – Mandatory and default conditions</li><li>• Appendix 4 – Copy of letter from lead petitioner</li></ul>
<b>Ward(s) affected</b>	Townfield

### SUMMARY

To consider a representation and a petition from residents of Hayes Town Centre in respect of a new Premises Licence for a Betting premises at 35 Coldharbour Lane, Hayes.

### RECOMMENDATION

**That the Licensing Sub Committee determine the application.**

### INFORMATION

- 1.1 An application for a new gambling premises licence, to offer Betting facilities, was received by the Licensing Service on 7<sup>th</sup> March 2011.

The applicant is;  
William Hill Organisation Ltd  
Greenside House  
50 Station Road  
Wood Green  
London N22 7TP

A copy of the application form is annexed to this report as **Appendix 1**.

- 1.2 The application was advertised in accordance with the standard procedures required by the Gambling Act 2005 by way of an advertisement in the local paper and the display of a notice in at the premises for the required 28 day consultation period. The application was also posted on the council's website.

Following the advertisement of the application a petition containing approx 460 signatures was received, organised by Mr Khalsa Singh.

A statement of representation was also received from Mr Khalsa Singh.

A copy of the petition and letter is annexed as **Appendix 2**.

1.3 In accordance with the legislation, the applicant is required to send copies of the application to the responsible authorities being:

- The Gambling Commission
- The Metropolitan Police Service
- H M Revenue & Customs
- London Fire & Emergency Planning Authority
- Child Protection Service, LBH
- Environmental Health Authority, LBH
- Trading Standards Service, LBH
- Planning Authority, LBH

No representations were received from Responsible Authorities.

1.4 The period for consultation and the making of representations in respect of this application expired on 5<sup>th</sup> April 2011

1.5 The applicant has made a standard premises licence application for betting facilities and has chosen not to exclude the default condition in respect of times of operation. The default times of operation for betting premises are between 07.00am and 22.00pm.

If a licence is granted for this premises, the Premises Licence Holder will have the mandatory and default conditions attached to the premises licence. Copy attached as **Appendix 3**

1.6 The applicant has an Operating Licence issued by the Gambling Commission to provide betting facilities.

1.7 **General Information about the premises**

- The premises is single shop unit in a busy town centre environment
- The immediate area of Station Road, Coldharbour Lane and Botwell Lane currently has a total of 6 licensed betting shops –
  - William Hill, 57 Station Road
  - Paddy Power, 39 Station Road
  - Jenningsbet, 19b Station Road
  - Ladbrokes, 9-13 Botwell Lane
  - Ladbrokes, 13 Coldharbour Lane
  - Ladbrokes, 74 Coldharbour Lane

1.8 The majority of the petitioners either reside or have business/religious interests in the local area.

1.9 **Statement of Gambling Policy**

Part 4 of the Council's Gambling policy refers to Premises Licences.

Part 4.22 of the Council's Gambling policy refers to conditions for premises licences.

## **FINANCIAL IMPLICATIONS**

- 2.0 Members should be aware that the Planning, Environment, Education and Community Service does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

## **LEGAL IMPLICATIONS**

The Gambling Act 2005 creates three licensing objectives-

1. Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
2. Ensuring that gambling is conducted in a fair and open way, and
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Committee may:

1. Grant the application for the Premises Licence subject to the mandatory conditions and default conditions (pursuant to sections 167 and 168 of the Act) or
2. Grant the application for the Premises Licence subject to the mandatory conditions but excluding specific default conditions AND/OR attach additional conditions. An additional condition may apply to the premises generally or only in relation to a specified part of the premises
3. Reject the application

Section 153 (1) of the Act provides that licensing authorities should aim to permit the use of premises for gambling in so far as they think it:

1. in accordance with any relevant code of practice under section 24;
2. in accordance with any relevant guidance issued by the Gambling Commission under section 25;
3. reasonably consistent with the licensing objectives; and
4. in accordance with the authority's statement of licensing policy.

The guidance issued by the Commission states at Paragraph 1.19 that therefore "a licensing authority has no discretion in exercising its functions under Part 8 of the Act to grant a premises licence where that would mean taking a course which it did not think accorded with the Guidance ....., any relevant Commission Code of Practice or the Licensing Authority Statement of Policy or to be consistent with the licensing objectives".

Section 153 (2) of the Act goes on to state that in "determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide".

In respect of the imposition of Conditions by the Licensing Authority, Section 169 (4) states that a "licensing authority may not attach a condition to a premises licence which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted".

## **GUIDANCE ISSUED BY THE GAMBLING COMMISSION UNDER SECTION 25 OF THE GAMBLING ACT 2005**

- 5.10 “As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.”
- 5.11 “ Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.”
- 5.16 “Local authorities should note that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.”

Paragraph 5.20 underlines that with “limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to protecting children from being ‘harmed or exploited by gambling’. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.”

Paragraph 5.22 states that the Act “does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define ‘vulnerable persons’, but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.”

Paragraph 5.23 concludes that “Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations need to be balanced against the authority’s objective to aim to permit the use of premises for gambling.”

## **BACKGROUND PAPERS**

- Appendix 1 – Copy of application form
- Appendix 2 – Copies of petition and letter from interested parties
- Appendix 3 – List of Mandatory and Default Conditions
- Appendix 4 – Copy of letter from lead petitioner

## **BACKGROUND DOCUMENTS:**

The Gambling Act 2005

Guidance for Local Authorities issued by the Gambling Commission

The Council's Statement of Gambling Policy