

Leicester
City Council

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FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Gambling Act 2003

22 May 2013

Application for a new premises licence
Ladbrokes, 19 Allandale Road, LE2 2DA

Report of the Director of Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an application made under the Gambling Act 2005, to assist them in determining the outcome of that application.

2. Determination to be made

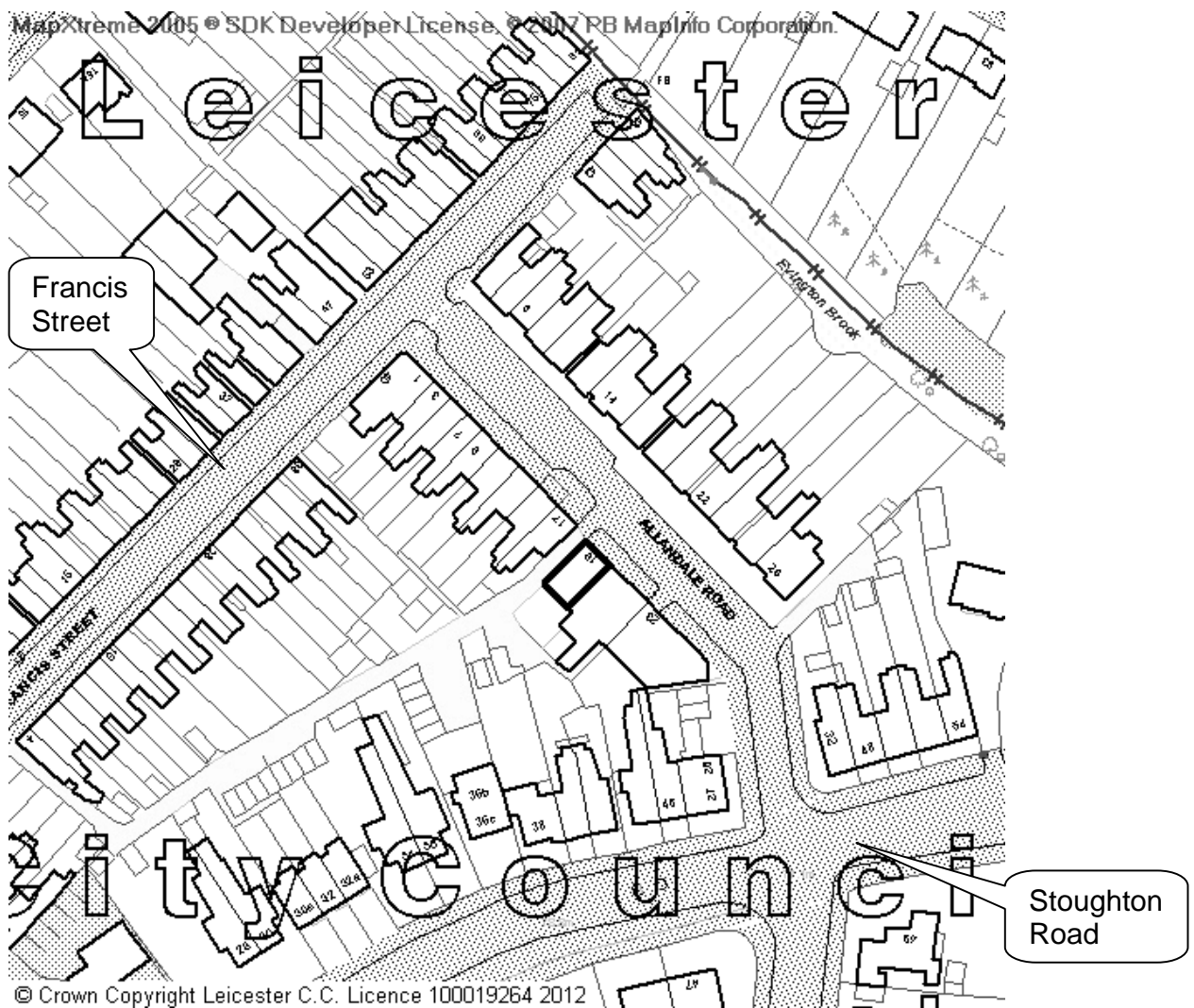
- 2.1 Having considered the application and representation, Members must consider whether to:
- Grant the licence, or
 - Reject the application

3. Summary

- 3.1 This report outlines an application for a new premises licence under the Gambling Act 2005 for Ladbrokes, 19 Allandale Road and summarises the representations received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Gambling Policy.

(continued...)

4. Location Plan



5. Application

- 5.1 An Application was received on 26 February 2013 from Ladbrokes Betting & Gaming Ltd, Imperial House, Imperial Drive, Rayners Lane, Harrow, HA2 7JW for a new premises licence for Ladbrokes, 19 Allandale Road, Leicester. A copy of the application is attached at Appendix A.
- 5.2 The application is for betting (Other than a track) between 7am and 10pm (ie, the default times).

6. Steps to Promote the Licensing Objectives

- 6.1 The licensing objectives under the Gambling Act 2005 are:
 - (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - (b) ensuring that gambling is conducted in a fair and open way, and
 - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 6.2 When exercising its licensing functions in relation to premises licences, a licensing authority “shall aim” to permit the use of premises for gambling as long as they think it is:
- (a) In accordance with any relevant code of practice issued by the Gambling Commission.
 - (b) In accordance with any relevant guidance issued by the Gambling Commission.
 - (c) “Reasonably” consistent with the licensing objectives.
 - (d) In accordance with the licensing authority’s Statement of Gambling Policy.

7. Representations

- 7.1 Section 158 of the Gambling Act 2005 defines an interested party as a person that
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - (b) has business interests that might be affected by the authorised activities, or
 - (c) represents persons who satisfy paragraph (a) or (b)”.
- 7.2 Six representations were received from interested parties between 15 and 24 March 2013. These representations relate to preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, and protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 7.3 The representations include comments that
- the presence of a betting shop could attract more street drinking, especially as the premises is next to a licensed bar, and that this could lead to a culture of drinking and smoking outside the bookmakers with the possibility of increased crime and disorder;
 - local businesses would suffer if crime and disorder does increase;
 - business owners are already in contact with the police about drunks disrupting business in the area;
 - there are a number of nurseries and schools nearby, giving rise to concerns about protecting children from being harmed or exploited by gambling;
 - there is a residential care home nearby for vulnerable, susceptible and often unwell members of the community, who could also be harmed.

Copies of the representations are attached at Appendix B1-B6.

8. Conditions

- 8.1 Regulations impose mandatory and default conditions on gambling licences. These include the hours of operation. An applicant may seek to remove default conditions, but in this case has not done so. The mandatory and default conditions relating to betting premises are set out in Appendix C.

9. Statutory Guidance

- 9.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the Gambling Commission has issued guidance to local authorities

under section 25 of the Gambling Act 2005. The relevant parts of the guidance in this case are as follows:

Section	Heading
4.9	Licensing Act 2003
4.11 – 4.15	Licensing Committee’s discretion to regulate it’s own proceedings.
5.1 – 5.8	Principles to be applied
5.9 – 5.23	More about the licensing objectives
7.28	Access to gambling by children and young people
7.48 – 7.56	Representations
7.57 – 7.58	Making a decision
7.59 – 7.66	Relationship between planning permission, building regulations and granting of a premises licence
8.11 – 8.18	Interested parties
Part 9	Premises licence conditions
Part 12	Rights of appeal and judicial review
Part 19	Betting premises

10. Statement of Licensing Policy

- 10.1 Members should be aware of the whole of the Licensing Authority’s Statement of Gambling Policy. However, the most relevant part is likely to be Part B “Premises Licences”:

Section	Heading
1	General principles
2	Location
3	Conditions

11. Points for Clarification

- 11.1 The applicant and the party / parties making the representation have been asked to clarify certain points at the hearing, as follows:

By the applicant

1. Whether the applicant considers that the concerns outlined in the representations are valid, and if not why not?
2. In the light of the representations made, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the party making the representation

1. Whether they have any additional information to support the representation they have made?
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Para 7 – some representations refer to a possible increase in crime and disorder if a licence is granted
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

- a. None

14. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to applications made under the Gambling Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

15. Report Author

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APPENDIX	CONTENT
A	Application for new premises licence
B	Representations
C	Conditions