

REPORT OF THE DEPUTY CHIEF EXECUTIVE

LICENSING SUB-COMMITTEE – 9 OCTOBER 2013

GAMBLING ACT 2005 – CONSIDERATION OF THE GRANT OF A BETTING PREMISES LICENCE

LADBROKES, 49 – 51 SEA ROAD, SUNDERLAND, SR6 9BW

**Ladbrokes Betting and Gaming Ltd.
Imperial House
Imperial Drive
Rayners Lane
Harrow
HA2 7JW**

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the grant of a betting premises licence for the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

- 2.1 When determining the application the Sub-Committee is requested to have regard to the representations referred to in paragraph 4.0 below and to take such steps as they consider appropriate for the promotion of the licensing objectives. The steps may be: -

- a) to grant the application,
- b) to modify the conditions of the licence, or
- c) to reject the whole or part of the application.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Relevant representations have been received in relation to the application and these are detailed at section 4.0.
- 3.2 A copy of the application form is attached as Appendix 1.
- 3.3 When considering an application made under the Act, section 153(1) requires the Council to aim to permit the use of the premises for gambling as long as the Council thinks that 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 (subject to a) and b) above), and

- d) in accordance with the Council's own Statement of Licensing Policy (subject to a), b) and c) above).

3.4 For the information of the Committee, the Licensing Objectives 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.

3.5 However, the Council is not constrained to consider only these issues and, in fact, has a wider discretion as to how it determines applications under the Act.

3.6 The only matters that the Council may not take into consideration when determining an application are;

- a) the expected demand for the gambling facilities sought and;
- b) whether or not the proposed facilities are likely to be permitted in accordance with legislation relating to planning or building.

4.0 CURRENT POSITION

4.1 Representations have been received from an interested party in relation to this application. A copy of their representation is attached as Appendix 2.

4.2 For the information of the Committee, the applicant has not requested that the statutory default condition which limits the operating times of the premises to 07:00 to 22:00 be either amended or removed from the premises licence if granted. Therefore, unless the Committee decide otherwise, those times will frame the maximum operating hours for the premises.

4.3 For the information of the Committee and with regard to the matters outlined at 3.3 above, the Licensing Section is unaware of any information which may suggest that the gambling facilities requested would not be;

- 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 (subject to a) and b) above), and
- d) in accordance with the Council's own Statement of Licensing Policy (subject to a), b) and c) above).

- 4.4 However, as mentioned at 3.5 above, the Committee is entitled to consider other issues raised by the interested party.

5.0 REASONS FOR THE DECISION

- 5.1 In making their decision, the Committee is advised to consider the Gambling Act 2005, the Gambling Commission's Guidance on the Act and the Council's Statement of Licensing Policy, copies of which have been made available to the Committee.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

- 7.1 There are no other considerations that require the attention of the Sub-Committee.

8.0 GLOSSARY

- 8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

Appendix 1 – Application Form.

Appendix 2 – Representation of Interested Party.

10.0 BACKGROUND PAPERS

- 10.1 None.

Appendix 1

00CMGAPREM00125.

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino ☐ Large Casino ☐ Small Casino ☐
Bingo ☐ Adult Gaming Centre ☐ Family Entertainment Centre ☐
Betting (Track) ☐ Betting (Other) ☒

Do you hold a provisional statement in respect of the premises? Yes ☐ No ☒

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Dr ☐ Other (please specify)

2. Surname: Other name(s):
[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person. ☐

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: Ladbrokes Betting & Gaming Limited

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

Imperial House
Imperial Drive
Rayners Lane
Harrow

Postcode: HA2 7JW

8(a) The number of the applicant's operating licence (as given in the operating licence):

003-001611-N-102408-001

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation. ☐

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): Ladbrokes

11. Address of the premises (or, if none, give a description of the premises and their location):

49/51 Sea Road
Fulwell
Sunderland

Postcode: SR6 9BW

12. Telephone number at premises (if known): N/A

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground floor shop unit located at street level in a 2 storey building within a parade of shops..

14(a) Are the premises situated in more than one licensing authority area?

No *[delete as appropriate]*

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? No *[delete as appropriate]* *[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]*

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): TBA (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? No *[delete as appropriate]*

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application. ☐

19(a). Do you hold any other premises licences that have been issued by this licensing authority?
Yes *[delete as appropriate]*

19(b). If the answer to question 19(a) is yes, please provide full details:
Please see attached list

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application. ☒

I/ We confirm that the applicant(s) have the right to occupy the premises. ☒

Checklist:

- Payment of the appropriate fee has been made/is enclosed ☒
- A plan of the premises is enclosed ☒
- I/ we understand that if the above requirements are not complied with the application may be rejected ☒
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities ☒

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature: Gavin Dalzell

Print Name: Gavin Dalzell

Date: 25/7/2013 (dd/mm/yyyy)

Capacity: Ladbrokes National Licensing Manager

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy)

Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Gavin Dalzell

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

07855 275539

24. Postal address for correspondence associated with this application:

Ladbrokes

28 La Porte Precinct

Grangemouth

Stirlingshire

Postcode:FK3 8BG

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

gavin.dalzell@ladbrokes.co.uk

Appendix 2

John Charles Flanagan, BA PGCE PhD
46a Atkinson Road
Fulwell
Sunderland
SR6 9AT
0181 5461108
j.c.flanagan@open.ac.uk

5 August 2013

Dear Mr. Reay,

Objections to Application reference: 13/01238/GAPREM 49-51 Sea Road.

Further to our conversation, I have set out for your convenience my objections to the above application.

My objections rest on the fact that Sea Road already has two such licensed premises: Wm. Hill at 34-36; Coral at 16-18 respectively.

I object to the proposed application for the following reasons:

1. Public safety.

The site, which is on the corner of Sea Road and Fulwell Road, is a very busy intersection.

Many users of the other gambling premises in Sea Road tend to park in the surrounding streets (all of which are often full with shoppers' cars) or Sea Road itself and visit from there.

The lack of provided car parking at the proposed premises would impact on the already difficult parking around Fulwell and have implications for public safety at this busy crossroads.

2. Protection of children and vulnerable persons.

In the interests of protecting children and other vulnerable persons from being harmed or exploited by gambling, I object to the proposed license on the basis that Sea Road and that intersection in particular, are often thronged with schoolchildren on their way to and from either: Fulwell Infant School, Fulwell Junior School, Seaburn Dene Primary School, Monkwearmouth School.

At break times and at lunchtime particularly, the footfall of schoolchildren is very heavy as Sea Road is a popular lunch break destination. Many of the local food businesses which thrive on this aspect of trade are situated at the Fulwell Road end

of Sea Road, which is near to the site for which the application has been lodged and the schoolchildren visiting these establishments will invariably have to pass the proposed site. Unless the premises has blank windows as does not advertise in any way whatsoever, I cannot see how this will have anything other than a damaging effect on our children.

I therefore submit to you my objections to the license applied for. Should you have any further queries, please do not hesitate to contact me.

Yours sincerely,

A black rectangular redaction box covers the signature and name of the sender. A handwritten line extends from the right side of the box.