

Licensing Sub-Committee

Report of the Head of Planning and Local Development

Application for a Premises Licence – 17 Market Street, Wellingborough

1 Purpose of Report

- 1.1 To obtain the Committee's decision in respect of an application for a Premises Licence under the Gambling Act 2005, for 17 Market Street, Wellingborough.

2 Executive Summary

- 2.1 This report sets out the background to the issue and invites the Sub-Committee to determine the application.

3 Appendices

- 3.1 Appendix A – The application for a Premises Licence
3.2 Appendix B – Representation Received

4 Proposed Action:

- 4.1 The Sub-Committee is invited to RESOLVE the application.**

5 Background

- 5.1 The applicant has submitted an application for a Betting Premises Licence. The application is attached within Appendix A
- 5.2 A representation has been received, objecting to the licence on the grounds that the licensing objective;
- Protection of children and vulnerable adults.

as prescribed by Section 1(c) of the Act, is not being met. A copy of the representation received is attached within Appendix B.

6 Discussion

- 6.1 The application was advertised on a notice outside the premises, within a local newspaper and on the Licensing Unit website. The application attracted 1 representation.
- 6.2 The representation relates to concerns over the use of the premises as a betting shop.
- 6.3 No representations were received from the Responsible Authorities – Police, Environmental Health, Fire & Rescue Service, Planning, Child Protection, Her Majesty's Revenues & Customs and the Gambling Commission.
- 6.4 Before considering the representation received, Members will need to determine whether the representation is valid. In making this decision consideration should be given to whether the representation came from a party who can be classified as being an 'Interested party' and then whether the content of the representation is relevant to be considered.
- 6.5 Interested parties are defined in Section 158 of the Gambling Act 2005 as:
“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:
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)”
- 6.6 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
These documents must therefore be considered before making the decision.
- 6.7 The Council may not take into consideration the following issues when determining an application;
- the expected demand for the gambling facilities sought and;
 - whether or not the proposed facilities are likely to be permitted in accordance with legislation relating to planning or building.
- 6.8 Gambling Commission's Guidance to Licensing Authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences.

- 6.9 Demand issues also cannot be considered with regard to the location of premises, but if demand is directly considered in terms of the licensing objectives, it becomes relevant to decision-making.
- 6.10 Relevant sections of the councils Statement of licensing policy with respect to this application are listed below. The below list is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications:-

1.24 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - *This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.*

1.26 Protecting children and other vulnerable persons from being harmed or exploited by gambling - *This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.*

- 6.11 Decisions upon whether conditions should be imposed upon a licence should be made on a case by case basis, and must be proportionate and be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 6.12 Whilst having regard to the information provided by the applicant, the representations and also Borough Council of Wellingboroughs Statement of Licensing Policy, the Sub-Committee's decision must be made with a view to promoting one or more of the three licensing objectives, namely:
- Ensuring gambling is kept free from crime and disorder
 - Ensuring gambling is conducted in a fair an open way
 - Protection of children and vulnerable adults.

7 Legal Powers

7.1 Section 206 of the Act prescribes that the decision of the Licensing Authority (the Council) in determining an application for a Premises Licence may be appealed by:-

- the applicant
- any other person who made representations in relation to the application

8 Financial and Value For Money Implications

8.1 There are no financial implications to the authority in relation to this report.

9 Risk Analysis

9.1 Normally a risk table is completed for any report setting out a proposed course of action. This is not appropriate here so the table has not been completed.

10 Implications for Resources

10.1 Officer time in giving effect to the decision of the Sub-Committee.

11 Implications for Stronger and Safer Communities

11.1 There are no such implications arising from this report.

12 Implications for Equalities

12.1 There are no such implications arising from this report.

13 Author and Contact Officer

13.1 Amanda Wilcox, Principal Health Protection Manager

14 Consultees

14.1 Matt O'Donnell, Senior Environmental Health Officer

14.2 Philippa Bright, Licensing Officer

15 Background Papers

15.1 None

