

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	30 July 2020

<p><b>Application for a new Bingo Premises Licence</b>  <b>76 Victoria Road West, Thornton Cleveleys, FY5 1AG</b></p>
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**1. Purpose of report**

- 1.1 To assist Members to determine an application submitted under section 159 of the Gambling Act 2005 (the Act), for a new premises licence.

**2. Outcomes**

- 2.1 That the application for a new bingo premises licence be determined

**3. Recommendation**

- 3.1 That Members consider the application and representations and determine whether or not to grant a bingo premises licence.

**4. Background**

- 4.1 S.1 of the Act sets out three licensing objectives that underpin the regulation of the gambling industry.

- 1) preventing gambling from being a source of crime or 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

- 4.2 S.153 of the Act directs a licensing authority to aim to permit the use of premises for gambling in so far as it thinks it is:

- a) in accordance with any relevant code of practice
- b) in accordance with any relevant guidance issued by the Commission under s.25
- c) reasonably consistent with the licensing objectives, and

d) in accordance with the licensing authority's statement of licensing policy

- 4.3** In determining applications for premises licences, the Act also explicitly sets out two principles that licensing authorities should not have regard to:

S.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises.

S.210 (1) of the Act states that 'in making a decision in respect of an application a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.

- 4.4** S.158 of the Act defines an interested party in relation to an application for a premises licence, as being a person who lives sufficiently close to the premises to be likely to be affected by the authorised activities, or have business interests that might be affected by the authorised activities, or represents persons identified above.

- 4.5** S.162 of the Act requires the Licensing Authority to hold a hearing where an interested party or responsible authority has made (and not withdrawn) relevant representations, or the authority propose to attach a condition to the licence under section 169(1)(a), or the authority propose to exclude under section 169(1)(b) a condition that would otherwise be attached to the licence under section 168.

## **5. Key issues and proposals**

- 5.1** This application concerns 76 Victoria Road West, Thornton Cleveleys which was previously authorised under a Betting Shop premises licence between April 2011 to July 2019 when the holders surrendered the licence.
- 5.2** An application from Cashino Gaming Limited, for a new bingo premises licence was submitted to the Council on 21 April 2020. **(Appendix 1)**
- 5.3** The application was served on all the Responsible Authorities and advertised in accordance with the Regulations.
- 5.4** The Licensing Authority received a total of twenty seven representations objecting to the application during the consultation period, which ended on 20 May 2020. None of these objections were from a Responsible Authority.
- 5.5** Enquiries made by Licensing Officers to validate the submissions have since confirmed that four were submitted in the name and address of residents who had not sent in an objection.
- 5.6** Fifteen were from residents who were deemed not to live sufficiently close to the premises under consideration, to qualify as interested parties and each has been advised in writing of that decision.

- 5.7 A further representation raised matters that are not relevant considerations for the Licensing Authority and the objector was advised in writing of that.
- 5.8 A list of all of the objections received forms **Appendix 2** to this report.
- 5.9 A plan indicating the location of the applicants premises and the representors, forms **Appendix 3** to this report. Not all the objectors are indicated on the plan as some addresses are outside the area covered.
- 5.10 The remaining seven representations are included at **Appendix 4**.

With the exception of rep 2, these are all unsigned and undated, and all were received by the Council on the 19 and 20 May.

Members will see that six of these representations have been submitted using one of two slightly differing letter templates, and all raise concerns about the potential for increased anti-social behaviour and disorder, should the application be granted.

- 5.11 The rejected representations numbered 9 through to 27 in Appendix 2 were also submitted on one or other of these two templates.
- 5.12 When considering the representations, members should note that the Gambling Commission guidance to local authorities indicates that in terms of the reference to disorder in the first objective, “disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.
- 5.13 Members should take into account any relevant codes of practice when determining this application. The applicant is a national operator and their proposed operating model and premises layout accords with the Gambling Commission’s licence conditions and codes of practice (LCCP).
- 5.14 Members should also take into account the Gambling Commission’s Statutory Guidance to licensing authorities (5th edition) issued under section s.25 of the Act. The most relevant sections to this application are reproduced at **Appendix 5** for reference purposes.
- 5.15 Members should also consider whether the application is reasonably consistent with the gambling Licensing Objectives and the Council’s own Statement of Licensing Policy.
- 5.16 If members determine to grant this application, the licence will be issued subject to the mandatory and default conditions prescribed in the Act and associated Regulations which are set out in **Appendix 6**.
- 5.17 The applicant and each interested party who has submitted a relevant representation have been invited to attend the hearing and provided with copies of this report, the hearing procedure and the Council’s current Statement of Gambling Policy.

<b>Financial and legal implications</b>	
finance	There are no financial implications arising directly from this report.
legal	Any party to the hearing has the right of appeal to the Magistrates Court within 21 days if they are aggrieved by the decision. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an x.

<b>risks/implications</b>	<b>✓ / x</b>	<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓	asset management	x
equality and diversity	x	climate change	x
sustainability	x	ICT	x
health and safety	x	data protection	x

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3<sup>rd</sup> party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
Name of document	date	where available for inspection
Statement of Gambling Policy 2019 - 2021	1 January 2019	Licensing Section

### **List of appendices**

- Appendix 1 – Application
- Appendix 2 – List of all representations received
- Appendix 3 – Location plan
- Appendix 4 – Copies of representations
- Appendix 5 – Extract from GC 5<sup>th</sup> edition Guidance to LAs
- Appendix 6 – Mandatory and Default Conditions