

APPENDIX A

WAVERLEY BOROUGH COUNCIL LICENSING SUB-COMMITTEE 'C' - 17 DECEMBER 2012

GAMBLING ACT 2005 - APPLICATION FOR NEW PREMISES LICENCE – BETFRED, 122 HIGH STREET, CRANLEIGH, SURREY, GU6 8RF

[Wards Affected: Cranleigh East]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application for a new Betting Shop Premises Licence for 122 High Street, Cranleigh, Surrey, GU6 8RF, from Mark Stebbings, Development Manager on behalf of Done Brothers (Cash Betting) Limited Trading as Betfred, Spectrum, 56-58 Benson Road, Birchwood, Warrington WA3 7PQ. A total of ten representations were received seven of which were accepted as relevant representations have been received from interested parties.

Background

2. The Gambling Act 2005 provides for three categories of licence;
 - Operating licences
 - Personal licences
 - Premises licences
3. Premises licences may be granted by licensing Authorities and may authorise the provision of facilities on;
 - Casino premises
 - Bingo premises
 - Betting premises, including tracks
 - Adult gaming centres
 - Family entertainment centres
4. Premises licences may only be issued to people with a relevant operating licence.
5. Individuals or companies who intend to provide facilities for certain types of gambling, must obtain an operating licence from the Gambling Commission. Section 65 of the Gambling Act 2005 sets out the types of licences that may be issued, these are;
 - A casino operating licence
 - A bingo operating licence
 - **A general betting licence**
 - A pool betting licence
 - A betting intermediary licence
 - A gaming machine general operating licence(adult gaming centre)

- A gaming machine general operating licence(family entertainment centre)
 - A gaming machine technical operating licence
 - A gambling software operating licence
 - A lottery operating licence
6. The application attached at Annexe 1 is for a Betting shop and the applicant has stated at section 2 part B, 8a of the application form the number of their operating licence which has been verified by officers,
 7. The premises are a ground floor unit. Being part of a three storey building, the application applies to betting facilities on the ground floor only not the upper floors. A plan of the premises is attached at Annexe 2.
 8. The applicant has not asked for the statutory default condition concerning the times of operation to be removed (part 4 of the application form) and therefore the default times of operation of 0700 hours to 2200 hours on each day of the week will be applicable.
 9. The application has been advertised in accordance with the Gambling Act 2005(Premises Licences) Regulations 2007 (a notice at the premises & in a local paper) and copies have been sent to the Responsible Authorities.

Licensing Objectives

10. The three Licensing Objectives of the Gambling Act 2005 are set out below. Any representations for consideration should relate to one or more of these objectives, and representations must be from interested parties and/or from the responsible authorities under this legislation.
 1. Preventing gambling from being a source of Crime & Disorder, being associated with Crime & Disorder or being used to support crime
 2. Ensuring that gambling is conducted in a fair and open way
 3. Protecting Children & other vulnerable persons from being harmed or exploited by gambling

Representations received

11. Licences will normally be granted by the Head of Democratic & Legal Services under delegated powers but in the event of relevant representations from Interested Parties and/or Responsible Authorities being received regarding the grant of the licence, the application is then referred to the Licensing Sub-Committee.

Responsible Authorities

12. There have been no representations from any of the Responsible Authorities.

Interested Parties

13. There have been seven relevant representations from Interested Parties, these are reproduced at Annexe 3.

What the Sub-Committee must consider

In accordance with Section 153 Gambling Act 2005 a licensing authority's obligation is to aim to permit the use of the premises for gambling in so far as it thinks it is:

- (a) In accordance with any relevant code of practice under section 24
- (b) In accordance with any relevant guidance issued by the Commission under Section 25
- (c) Reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- (d) In accordance with the Licensing Authority Statement of Policy (subject to (a) and (b) above).

In making its decision, the Licensing Authority must not have regard to the expected demand for the gambling premises.

What the Sub-Committee may do

14. The Sub-Committee, after hearing from the applicant and those making representations, may take one or more of the steps listed below in order to promote the Licensing Objectives which have given rise to the representations in this case. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any objector to appeal to the Magistrates' Court against the Licensing Sub-Committee decision. The Sub-Committee may:

- Grant the application as submitted; or
 - Refuse the application; or
 - Grant the application and attach conditions to it.
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- Any conditions attached should relate only to gambling, as considered appropriate in the light of the principles to be applied by licensing authorities under Section 153.

Recommendation

1. The Sub-Committee is requested to consider the application for the grant of a Premises Licence on its merits.
2. Under the provisions of the Gambling Act 2005 section 153(1), the Licensing Committee in making decisions shall aim to permit the use of the premises for gambling in so far as the Committee thinks it to be;
 - (a) In accordance with any relevant code of practice issued by the Gambling Commission
 - (b) In accordance with guidance issued by the commission

- (c) Reasonably consistent with the licensing objectives (subject to (a) and (b) above and
- (d) In accordance with Waverley Borough Councils Statement of Gambling Policy (subject to (a) and (b) above

Background Papers

Application referred to above, representations referred to above. Gambling Commission Guidance

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Http://sharepoint/sites/democratic/Licensing/Sub-Committees/17 December 2012 C/Appendix A BETFRED-CRANLEIGH NEW APPLICATION (4).doc