

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 30 January 2012**

**Subject: Gambling Act 2005 – Application for a Premise Licence - Ladbrokes  
Part of Morley Market, Corner of Queen Street and Hope Street, Morley,  
Leeds 27.**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	<b>Morley South</b>	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

This is an application for a new Betting Premises Licence for premises at Morley Market, Leeds 27.

**1.0 Purpose of the Report**

- 1.1 To advise Members of an application made under Part 8 of the Gambling Act 2005 (the Act) for the grant of a Premises Licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

**2.0 History of Premises**

- 2.1 This is the first application under the Act for the said premises.

**3.0 The Application**

- 3.1 The application has been made by Ladbrokes Betting and Gaming Limited, of Imperial House, Imperial Drive, Rayners Lane, Harrow HA2 7JW .
- 3.2 The premises are located at Part of Morley Market, Corner of Queen Street and Hope Street, Morley, Leeds, LS27 8DW.

- 3.3 A copy of the application including a plan of the premises may be found at Appendix 1.
- 3.4 A map which identifies the location of these premises are attached at Appendix 2.
- 3.5 The Act requires notice of the application to be served on the responsible authorities, in a local newspaper and the display of a notice in a place where it can be conveniently be read by members of the public from the exterior of the premises for a period of no less than 28 consecutive days.

#### **4.0 Representations**

- 4.1 Under the Act representations can be received from responsible authorities or interested parties. The authority may determine whether representations made are vexatious or frivolous, or will certainly not influence the authority's determination of the applications.

#### **4.2 Representations from Responsible Authorities**

This application has attracted no representation from any of the responsible authorities.

#### **4.3 Representations from Interested Parties**

This application has attracted representation from local Elected Members under the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling'.  
A copy of the full representation may be found at Appendix 3.

#### **5.0 Principles to be applied**

- 5.1 The Act (s153) sets out that the licensing authority, in exercising their functions, shall aim to permit the use of premises for gambling in so far as the authority thinks it:
- (a) in accordance with any relevant code of practice under 24 of the Act (Gambling Commission Licensing Conditions and Codes of Practice)
  - (b) in accordance with any relevant guidance issued by the Commission under section 25 (Gambling Commission Guidance to Licensing Authorities)
  - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b); and
  - (d) in accordance with the statement published by the authority under s 349 of the Act (Statement of Licensing Policy – Gambling Act 2005) (subject to paragraphs (a) to (c)).
- 5.2 The Act also sets out that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which is proposed to provide

## **6.0 Licensing Objectives**

6.1 The licensing authority should carry out its function under the Act with a view to promoting the 3 licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **7.0 Mandatory and Default Licence Conditions**

6.1 The Secretary of State provides for mandatory conditions (s167) and default conditions (s168) to be attached to specified premises licences.

6.2 The default conditions for a betting premises licence set out the opening times which are:

'No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day'.

6.3 The mandatory and default conditions applicable to betting premises may be found at Appendix 4.

6.2 Section 169 of the Act provides for that where a licensing authority issue a premises licence they may

- (a) attach a condition to the licence
- (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 (default conditions).

6.4 A licensing authority may not attach a condition to a premises licence which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted (s169(4)).

## **7.0 Operating Licence**

7.1 A premises licence may not take effect unless the applicant is in possession of an Operating Licence issued by the Gambling Commission. This will be specific to the gambling activities to be carried out.

7.2 It is confirmed that Labrokes Betting and Gaming Limited do hold the relevant Operating Licence. A copy of the same will be available as background papers to this report for Members information.

6.5 The Operating Licence includes reference to the following matters:

1. Qualified persons and personal licences
2. Technical standards and equipment specifications
3. Financial robustness
4. Protection of customer funds
5. Cash handling
6. Provision of credit by licensees and the use of credit cards

7. General 'fair and open' provisions
8. Display of licensed status
9. Types and rules of casino and other games
10. Tipping of casino employees
11. Lotteries
12. Betting intermediaries
13. Pool betting
14. Access to premises
15. Information requirements
16. Primary gambling activity

## 8.0 Gaming Machine Limits

8.1 In addition to authorising the provision of betting facilities, a betting premises licence allows for the provision of gaming machines of the following categories:

Maximum of 4 machines of categories B2 to D :

Machine Categories:

Category of Machine	Maximum Stake	Maximum Prize
*B2	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D – various)	Ranging from 30p to £1	Ranging from £5 to £8 and £50 for crane grab

\*The B2 is not a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal. These machines generally appear in licensed betting offices, have touch screen displays and look similar to quiz machines. They normally offer a number of games, roulette being the most popular.

## 9.0 Equality and Diversity/Cohesion and Integration

9.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the three licensing objectives as prescribed by the Gambling Act 2005.

## 10.0 Options available to Members

10.1 The Licensing sub-committee must take such of the following steps as it considers necessary with a view to promoting the licensing objectives and in accordance with the principles as set out at paragraph 5 of this report, and:

- Grant the application as applied for:
- Grant the application and exclude any default conditions

- Grant the application with conditions provided these do not contravene s169(4) of the Act and prevent compliance of the Operating Licence, or mandatory conditions.
- Refuse the application

## **11.0 Appendices**

Appendix 1: Copy of application and plan of premises

Appendix 2: Area map

Appendix 3: Interested Party representation

Appendix 4: Betting Premise Licence Mandatory and Default Conditions

## **12.0 Background Papers**

- Gambling Commission Conditions and Codes of Practice applicable to Non-remote General Betting Licences, etc (section 24 of the Act)
- Gambling Commission Guidance to Licensing Authorities 3<sup>rd</sup> Edition May 2009 (section 25 of the Act)
- Leeds City Council Statement of Licensing Policy 2010-2012 – Gambling Act 2005 (section 349 of the Act)
- Gambling Act 2005
- Operating Licence issued by the Gambling Commission under Part 5 of the Gambling Act 2005 to Ladbrokes Betting & Gaming Ltd trading as Ladbrokes.