

24 June 2008

Our ref: LAC 9 July 2008
Your ref:
Contact: Ian Gourlay
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To: Councillors: D. Barnard, J. Cunningham & M. Kirkland

Dear Councillor,

A meeting of the

**LICENSING AND APPEALS COMMITTEE
(SUB-COMMITTEE)**

will be held in

**The Council Chamber
COUNCIL OFFICES, GERON ROAD,
LETCHWORTH GARDEN CITY**

on

WEDNESDAY, 9 JULY 2008

at

10.00 a.m.

To hear the following applications under the Gambling Act 2005:

- (1) **APPLICATION BY FRANKICE (GOLDERS GREEN) LTD FOR THE GRANT OF A BETTING PREMISES LICENCE IN RESPECT OF AGORA BETTING, 19 HIGH STREET, BALDOCK, HERTFORDSHIRE SG7 6AZ (Pages 1 - 28)**
- (2) **APPLICATION BY FRANKICE (GOLDERS GREEN) LTD FOR THE GRANT OF AN ADULT GAMING PREMISES LICENCE IN RESPECT OF AGORA BETTING, 19 HIGH STREET, BALDOCK, HERTFORDSHIRE SG7 6AZ (Pages 29 – 54)**

Yours sincerely,



David Miley
Democratic Services Manager

LICENSING AND APPEALS SUB-COMMITTEE 9th July 2008
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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GAMBLING ACT 2005

**APPLICATION BY FRANKICE (GOLDERS GREEN) LTD FOR THE GRANT OF A
BETTING PREMISES LICENCE IN RESPECT OF AGORA BETTING, 19 HIGH
STREET, BALDOCK, HERTFORDSHIRE, SG7 6AZ.**

**REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY
SERVICES**

1. BACKGROUND

- 1.1 The premises does not currently hold any Premises Licence under the Gambling Act 2005.
- 1.2 The premises was previously used as a building society and is now vacant, however, Frankice (Golders Green) Ltd have the right to occupy the premises and hold a current Operating Licence issued by The Gambling Commission.
- 1.3 It is the intention of the Applicant to split the premises into two separate premises; a betting premises and an adult gaming centre.

2. APPLICATION

- 2.1 The application is for the grant of an Betting Premises Licence under Section 159 of the Gambling Act 2005.
- 2.2 The licensable activities and hours applied for are as follows:

3. APPLICATION PROCESS

- 3.1 On 19th May 2008, Frankice (Golders Green) Ltd made an application for the grant of an Betting Premises Licence.
- 3.2 The Applicant served copies of this application to the Police Authority and the other Responsible Authorities
- 3.3 Public notices were displayed around the premises in accordance with the requirements of the Gambling Act 2005 and were exhibited for a period of not less than 28 days. A newspaper advertisement was placed in The Comet newspaper on 29th May 2008.

4. REPRESENTATIONS

- 4.1 During the consultation period, Hertfordshire Constabulary raised some concerns with the Applicant which would have required them to make a representation. The Applicant volunteered a condition that satisfied the Police concerns thus avoiding the need for a representation. The agreed condition is as follows:

- i) CCTV will be fitted internally and externally

The Licensing Authority advised the Applicant that they were seeking to impose this condition on the licence should the application be granted and the Applicant confirmed that they would have no objection to this.

- 4.2 During the consultation period, the Licensing Authority acting as a Responsible Authority raised some concerns with the Applicant which would have required them to make a representation. The Applicant volunteered some conditions that satisfied the Licensing Authority concerns thus avoiding the need for a representation. The agreed condition was as follows:

- i) The premises will be fully enclosed with full height floor to ceiling permanent external or internal partition walls in order that the only public access will be via the specific entrance door in the shared entrance lobby. No direct public access to the adjoining premises will be possible.

The Licensing Authority advised the Applicant that they were seeking to impose this condition on the licence should the application be granted and the Applicant confirmed that they would have no objection to this.

- 4.3 No representations were received from any other Responsible Authority.
- 4.5 One representation was received from an Interested Party and is attached as follows:

- 4.6 The Applicant has been served with a copy of the representations.
- 4.7 The Applicant and the Interested Party have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the Committee Hearing procedure.
- 4.8 Section 162(1) of the Gambling Act 2005 requires a hearing to be held if:
- (a) *an interested party or responsible authority has made (and not withdrawn) representations about the application under section 161,*
 - (b) *the authority propose to attach a condition to the licence under section 169(1)(a), or*
 - (c) *the authority propose to exclude under section 169(1)(b) a condition that would otherwise be attached to the licence under section 168*
- 4.9 As an interested party has made a representation that has not been withdrawn, it is for the Sub-Committee to determine the application in accordance with the observations in Section 6 of this Report.
- 4.10 As the Applicant has agreed to the imposition of the conditions requested by the Police and the Licensing Authority, they will form part of the licence should the Sub-Committee be minded to grant the application.

5 MANDATORY AND DEFAULT CONDITIONS

- 5.1 In accordance with the provisions of The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007, the conditions listed in Appendix A to this Report will automatically apply to the licence should the application be granted.

6 OBSERVATIONS

- 6.1 In determining this application, the Sub-Committee must have regard to Section 153 of The Gambling Act 2005 which states:
- (1) *In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-*
 - (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 paragraphs (a) and (b)), and*
 - (d) *in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).*
 - (2) *In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.*
- 6.2 The Sub-Committee must consider any relevant representations received from interested parties or responsible authorities and determine whether to grant the application in accordance with Section 153 of the Act (detailed in Section 6.1 of this Report).

- 6.3 Where the Sub-Committee is minded to grant the application, the mandatory and default conditions (as detailed in Section 5 of this Report) will be applicable to the licence unless specifically excluded by the Sub-Committee.
- 6.4 Following the hearing, the Licensing and Appeals Sub-Committee must determine the application before the end of the period of five working days starting with the day after the last day of the hearing.
- 6.5 In accordance with Section 163 of the Gambling Act 2005, the Licensing and Appeals Sub-Committee has the following options when issuing the Decision Notice:
- i) Grant the Application
 - ii) Refuse the Application.
- 6.6 In accordance with Section 169 of the Gambling Act 2005, the Licensing and Appeals Sub-Committee 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 (see Section 5 of this Report).*

The Applicant is not seeking to exclude any of the Default Conditions attached by virtue of Section 168.

7. LICENSING OBJECTIVES

- 7.1 The licensing objectives as defined by section 1 of the Gambling Act 2005 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.*

8. APPENDICES

- 8.1 Appendix A Mandatory and Default Conditions
- 8.2 Appendix B Relevant sections of the Gambling Commission Guidance

9. CONTACT OFFICERS

- 9.1 Steve Cobb, Senior Licensing and Enforcement Officer, 01462 474833.

10. BACKGROUND PAPERS (not circulated with this Report)

- 10.1 The Gambling Act 2005
- 10.2 Guidance issued by The Gambling Commission
- 10.3 NHDC's Statement of Principles for the Gambling Act 2005

LICENSING AND APPEALS SUB-COMMITTEE 9th July 2008
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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GAMBLING ACT 2005

**APPLICATION BY FRANKICE (GOLDERS GREEN) LTD FOR THE GRANT OF AN
ADULT GAMING CENTRE PREMISES LICENCE IN RESPECT OF AGORA
GAMING CENTRE, 19 HIGH STREET, BALDOCK, HERTFORDSHIRE, SG7 6AZ.**

**REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY
SERVICES**

1. BACKGROUND

- 1.1 The premises does not currently hold any Premises Licence under the Gambling Act 2005.
- 1.2 The premises was previously used as a building society and is now vacant, however, Frankice (Golders Green) Ltd have the right to occupy the premises and hold a current Operating Licence issued by The Gambling Commission.
- 1.3 It is the intention of the Applicant to split the premises into two separate premises; a betting premises and an adult gaming centre.

2. APPLICATION

- 2.1 The application is for the grant of an Adult Gaming Centre Premises Licence under Section 159 of the Gambling Act 2005.
- 2.2 The licensable activities and hours applied for are as follows:

3. APPLICATION PROCESS

- 3.1 On 19th May 2008, Frankice (Golders Green) Ltd made an application for the grant of an Adult Gaming Centre Premises Licence.
- 3.2 The Applicant served copies of this application to the Police Authority and the other Responsible Authorities
- 3.3 Public notices were displayed around the premises in accordance with the requirements of the Gambling Act 2005 and were exhibited for a period of not less than 28 days. A newspaper advertisement was placed in The Comet newspaper on 29th May 2008.

4. REPRESENTATIONS

- 4.1 During the consultation period, Hertfordshire Constabulary raised some concerns with the Applicant which would have required them to make a representation. The Applicant volunteered some conditions that satisfied the Police concerns thus avoiding the need for a representation. The agreed conditions are as follows:

- i) CCTV will be fitted internally and externally
- ii) The premises will have a retail window display which will prevent direct vision into the premises
- iii) Trading hours will be restricted to 09:00hrs – 22:00hrs

The Licensing Authority advised the Applicant that they were seeking to impose these conditions on the licence should the application be granted and the Applicant confirmed that they would have no objection to this.

- 4.2 During the consultation period, the Licensing Authority acting as a Responsible Authority raised some concerns with the Applicant which would have required them to make a representation. The Applicant volunteered some conditions that satisfied the Licensing Authority concerns thus avoiding the need for a representation. The agreed condition was as follows:

- i) The premises will be fully enclosed with full height floor to ceiling permanent external or internal partition walls in order that the only public access will be via the specific entrance door in the shared entrance lobby. No direct public access to the adjoining premises will be possible.

The Licensing Authority advised the Applicant that they were seeking to impose this condition on the licence should the application be granted and the Applicant confirmed that they would have no objection to this.

- 4.3 No representations were received from any other Responsible Authority.
- 4.5 One representation was received from an Interested Party and is attached as follows:

- 4.6 The Applicant has been served with a copy of the representations.
- 4.7 The Applicant and the Interested Party have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the Committee Hearing procedure.
- 4.8 Section 162(1) of the Gambling Act 2005 requires a hearing to be held if:
- (a) *an interested party or responsible authority has made (and not withdrawn) representations about the application under section 161,*
 - (b) *the authority propose to attach a condition to the licence under section 169(1)(a), or*
 - (c) *the authority propose to exclude under section 169(1)(b) a condition that would otherwise be attached to the licence under section 168*
- 4.9 As an interested party has made a representation that has not been withdrawn, it is for the Sub-Committee to determine the application in accordance with the observations in Section 6 of this Report.
- 4.10 As the Applicant has agreed to the imposition of the conditions requested by the Police and the Licensing Authority, they will form part of the licence should the Sub-Committee be minded to grant the application.

5 MANDATORY AND DEFAULT CONDITIONS

- 5.1 In accordance with the provisions of The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007, the conditions listed in Appendix A to this Report will automatically apply to the licence should the application be granted.

6 OBSERVATIONS

- 6.1 In determining this application, the Sub-Committee must have regard to Section 153 of The Gambling Act 2005 which states:
- (1) *In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-*
 - (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 paragraphs (a) and (b)), and*
 - (d) *in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).*
 - (2) *In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.*
- 6.2 The Sub-Committee must consider any relevant representations received from interested parties or responsible authorities and determine whether to grant the application in accordance with Section 153 of the Act (detailed in Section 6.1 of this Report).

- 6.3 Where the Sub-Committee is minded to grant the application, the mandatory and default conditions (as detailed in Section 5 of this Report) will be applicable to the licence unless specifically excluded by the Sub-Committee.
- 6.4 Following the hearing, the Licensing and Appeals Sub-Committee must determine the application before the end of the period of five working days starting with the day after the last day of the hearing.
- 6.5 In accordance with Section 163 of the Gambling Act 2005, the Licensing and Appeals Sub-Committee has the following options when issuing the Decision Notice:
- i) Grant the Application
 - ii) Refuse the Application.
- 6.6 In accordance with Section 169 of the Gambling Act 2005, the Licensing and Appeals Sub-Committee 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 (see Section 5 of this Report).*

The Applicant is not seeking to exclude any of the Default Conditions attached by virtue of Section 168.

7. LICENSING OBJECTIVES

- 7.1 The licensing objectives as defined by section 1 of the Gambling Act 2005 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.*

8. APPENDICES

- 8.1 Appendix A Mandatory and Default Conditions
- 8.2 Appendix B Relevant sections of the Gambling Commission Guidance

9. CONTACT OFFICERS

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- 10.1 The Gambling Act 2005
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