



GENERAL LICENSING SUB COMMITTEE
15 April 2013

ITEM 5

**Report of the Strategic Director of
Neighbourhoods**

**APPLICATION FOR A NEW PREMISES LICENCE FOR:
LADBROKES 72 MONK STREET DERBY DE22 3QB**

SUMMARY

- 1.1 An application for a new premises licence at 72 Monk Street Derby DE22 3QB has been received by Derby City Council's Licensing Team.
- 1.2 The premises do not currently hold a premises licence under the Gambling Act 2005. The applicant operates eight other licensed betting premises in Derby.
- 1.3 The provision of facilities for gambling must be licensed under the Gambling Act 2005.

RECOMMENDATION

- 2.1 To consider the information in the report, consider the application and any Relevant Representations for a new premises licence at: Ladbrokes 72 Monk Street Derby DE22 3QB

To decide whether to:

- Grant the application;
- Attach additional conditions: or
- Reject the application

REASONS FOR RECOMMENDATION

- 3.1 To ensure that the three licensing objectives are upheld in relation to the application for a new premises licence at: Ladbrokes 72 Monk Street Derby DE22 3QB

SUPPORTING INFORMATION

- 4.1 An application for a new Premises licence was received by Derby City Council's Licensing Team from Ladbrokes Betting & Gaming Limited Imperial House Imperial Drive Rayners Lane Harrow Middlesex HA2 7JW
A copy is attached at **Appendix 2**
- 4.2 The application applied for is a new premises licence: for a Betting office
- 4.3 The proposed licensed activity is: Betting (Other than Track)
- 4.4 The Mandatory conditions are attached at **Appendix 3**
- 4.5 The applicant holds an operating licence from the Gambling Commission:
003-001611-N-102408-001
- 4.6 A plan of the premises is attached at **Appendix 4**
- 4.7 The Licensing Team has received 3 Relevant Representations from Other Persons. These are attached at **Appendix 5**
- 4.8 The Licensing Team has received an email from Derby Safeguarding Children Board stating their position on this application and the policy submitted to them from Ladbrokes **Appendix 6**
- 4.9 A location plan of the premises is attached at **Appendix 7**
- 4.10 The Committee is obliged to determine this application with a view to promoting the three licensing objectives which are:
- 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.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.11 In making its decision, the Committee is obliged to have regard to the relevant guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005 and the Council's own Statement of Principles.
- 4.12 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.

4.13 A Licence is regarded as property for the purposes of the Human Rights Act 1998. Article 1 of the First Protocol states that:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

4.14 The Committee must also take into account the effect on local residents. Article 8 states:

- Everyone has the right to respect for his private and family life, his home and his correspondence.
- There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

4.15 Three stage test to be applied:

- Is the interference in accordance with the law?
- Is the interference necessary in a democratic society in pursuit of one of the legitimate aims set out above?

Is the decision proportionate ie. Striking a fair balance between the demands of the general interests of the community and the requirement to protect the individual’s fundamental rights?

OTHER OPTIONS CONSIDERED

5.1 No other options available.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee
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For more information contact:	Name: Ann Walker Senior Environmental Health Officer (01332) 641945 e-mail: Ann.Walker@derby.gov.uk
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Background papers: List of appendices:	None Appendix 1 – Implications Appendix 2 – Application Appendix 3 – Mandatory Conditions Appendix 4 – Plan of premises Appendix 5 – Representations Appendix 6 – Correspondence from Safeguarding Children Board Appendix 7 – Location plan
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IMPLICATIONS

Financial and Value for Money

- 1.1 There is charge payable for a new application. If the application is refused, the applicant will forfeit the fee. Should they wish to re-apply at a later date a fresh fee will have to be paid.

Legal

- 2.1 The applicant may appeal to the Magistrates Court within 21 days of notification of the decision.

On appeal, the Magistrates Court may:

- dismiss the appeal; or
- substitute the decision for another decision which could have been made by the Council; or
- remit the case to the Council to dispose of it in accordance with the direction of the Court; and
- make an order for costs as it sees fit.

Personnel

- 3.1 None directly arising from this report.

Equalities Impact

- 4.1 The equality impact of this application has been considered to have no significant effects from the information given.

Health and Safety

- 5.1 None directly arising from this report.

Environmental Sustainability

- 6.1 None directly arising from this report.

Asset Management

- 7.1 None directly arising from this report.

Risk Management

- 8.1 None directly arising from this report.

Corporate objectives and priorities for change

- 9.1 The information contained in this report contributes to the council's plan of a thriving

and sustainable economy with good quality services that met local needs.