

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford District Licensing Panel to be held on 16 November 2022

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Subject:

Application for a Premises Licence for Betfred, 9 Folly Hall Road, Bradford, BD6 1UL

Summary statement:

Application for a new Betting Premises Licence other than a track.

EQUALITY & DIVERSITY:

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

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**Portfolio: Neighbourhoods & Community
Safety**

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Overview & Scrutiny Area: Corporate

1. SUMMARY

The application is for the grant of a Betting Premises Licence other than a track, in respect of which a representation has been received from an interested party.

2. BACKGROUND

2.1 The applicant

Done Brothers Ltd T/A Betfred. A copy of the application and risk assessment is attached at Appendix 1.

The applicant currently holds a Betting Premises Licence at Betfred, 228 High Street, Wibsey, Bradford, BD6 1QP, and has indicated that this licence will be surrendered should this application be successful.

A copy of the betting premises licence is attached at Appendix 2.

2.2 The Premises

Betfred, 9 Folly Hall Road, Bradford, BD6 1UL The premises does not have the benefit of any licences under the Gambling Act 2005.

2.3 Application

The application is for the grant of a Betting Premises Licence other than a track. The applicant has not asked for the statutory default condition concerning the times of operation to be removed and therefore the default times of operation of 7am to 10pm on each day of the week are applicable.

2.4 Relevant Representations Received

Interested Parties

A representation has been received from local residents which raises concerns of anti-social behaviour, nuisance and noise caused by customers of the premises and the risk to children being exposed to issues which may arise from the opening of the premises.

The representation is attached at Appendix 3.

3. OTHER CONSIDERATIONS

Legal Appraisal

- 3.1** Section 153(1) of the Gambling Act 2005 states that in exercising their functions regarding premises licences the Council 'shall aim' to permit the use of the premises for gambling in so far as the Licensing Authority thinks it to be:
- (a) in accordance with any relevant code of practice issued by the Gambling Commission. The codes of practice are attached at Appendix 4.
 - (b) in accordance with any relevant guidance issued by the Commission. The guidance is attached at Appendix 5.
 - (c) reasonably consistent with the licensing objectives which are shown at 3.3 of this report (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the Statement of Licensing Principles published by the Council. The Statement of Licensing Principles is attached at Appendix 6.
- 3.2** Section 153 also makes it clear that in deciding whether or not to grant the licence the Council may not have regard to the expected demand for the facilities which will be provided if the licence is granted.
- 3.3** Members will note that 3.1(c) requires them to consider whether granting the licence is 'reasonably consistent with the licensing objectives'. The objectives 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.
- 3.4** Written representations made by or on behalf of an interested party or a responsible authority must be taken into account in deciding the application.

Statement of Policy Issues

- 3.5** The following parts of the Statement of Licensing Principles are of particular importance; Part 6 (Protecting children and other vulnerable persons from being harmed or exploited by gambling.).

4. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

6. LEGAL APPRAISAL

Referred to in part 3 of this report.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.3 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

7.4 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant's rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

There are no apparent implications.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no apparent data protection or information security implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Members may:

- (a) Grant a premises licence as applied for.
- (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
- (c) Refuse the application for a premises licence.

9.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions attached by Members they may appeal to the Magistrates Court.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application.

11. APPENDICES

1. Application form and risk assessment received 26 September 2022. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
2. Betting Premises Licence, 228 High Street, Wibsey, Bradford.
3. Representation from an interested party.
4. Codes of practice. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
5. Guidance issued by the Gambling Commission. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
6. Statement of Licensing Principles. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).

12. BACKGROUND DOCUMENTS

Application form, plan etc.