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## LICENSING APPLICATION – GAMBLING ACT 2005

### PREMISES: STAR AMUSEMENTS LTD, 10 EASTWOOD ROAD, RAYLEIGH, SS6 7JQ

#### 1 SUMMARY

- 1.1 This report introduces an application for the grant of a Betting Premises Licence made under section 159 of the Gambling Act 2005.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 13 of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) Regulations 2007.

#### 2 BACKGROUND

- 2.1 The application was given to the Licensing Authority by Roger Etchells & Company, Chartered Surveyors, on behalf of Star Amusements Limited of 2-4 Marine Parade, Southend-on-Sea, Essex, SS1 2EJ and refers to premises known as Star Amusements Ltd, 10 Eastwood Road, Rayleigh.
- 2.2 The applicant is the holder of a General Betting Operating Licence, number 000-002969-N-103056-003, from the Gambling Commission authorising him to provide facilities for betting other than pool betting.
- 2.3 Appendix A consists of a copy of the original application form with copies of amendments to the original attached as sub-appendices, where relevant.

##### Description of Premises

- 2.4 The premises to which the application relates is a shop premises with living accommodation above situated within the retail area of Rayleigh town centre.
- 2.5 The premises trade as an adult gaming centre and part of the premises is to be partitioned off to be used as betting premises, to be known as Star Betting. The partitioning to be used is rigid floor to ceiling clear plastic sheeting. There is to be one main entrance from the street into a small lobby with separate entrances to the betting area and the adult gaming centre area.
- 2.6 Appendix B1 consists of a copy of the plan of the premises.

##### Previous Licences

- 2.7 The premises have traded as a gaming centre for a number of years and have been licensed as an adult gaming centre under the Gambling Act 2005 since 1 September 2007.

- 2.8 An application to vary the original adult gaming centre premises licence to create an unlicensed area to the left of the main entrance was granted on 15 October 2010.

### **Trading History**

- 2.9 The premises are currently licensed as an adult gaming centre under the Gambling Act 2005 and are permitted to open and trade for 24 hours daily.
- 2.10 The licence is subject to the Mandatory Conditions required under paragraph 3 and schedule 3 of the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007. There are no 'default conditions' prescribed under the Act.

## **3 APPLICATION**

- 3.1 The application is for a betting premises licence to be granted for the area, as marked on the premises plan. This would allow betting facilities to be provided in that area of the premises between the hours of 0700 to 2200 daily.

### **Amendments to the application**

- 3.2 There have been no amendments to the application.

### **Conditions**

- 3.3 If granted, the licence will be subject to the Mandatory and Default Conditions required under paragraph 3 and Schedule 5 (Parts 1 and 2) of the Gambling Act (Mandatory and Default Conditions) Regulations 2007.
- 3.4 By virtue of section 169 of the Act, where a Licensing Authority issues a premises licence, it may attach or exclude a condition from the licence.

## **4 REPRESENTATIONS**

- 4.1 One valid representation has been received from a Responsible Authority, the Gambling Commission.
- 4.2 One valid representation has been received from an Interested Party, Coral.
- 4.3 Both representations are in respect of:-
- (a) guidance issued by the Gambling Commission;
  - (b) the Licensing Authority Statement of Licensing Policy.
- 4.3 Appendix C consists of a copy of the representations received.

## **5 NOTICES**

- 5.1 All parties involved have been served with the relevant notices and documentation required by paragraphs 5 and 6 of The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) Regulations 2007.
- 5.2 The notices and documentation included an explanation of the rights of persons to attend hearings and to be represented, to give evidence and to call witnesses, the consequences of not attending, the procedure to be followed at a hearing, and, for applicants only, a copy of all relevant representations made.
- 5.3 At the time of drafting this report, there has been no response from any other parties.
- 5.4 It is anticipated that the applicants and the interested parties will be represented.

## **6 POLICY CONSIDERATIONS**

### **Legal Provisions**

- 6.1 The provisions of the Gambling Act 2005, The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) Regulations 2007, Guidance issued by the Gambling Commission under Section 25 Gambling Act 2005 and the Statement of Licensing Policy (Gambling Act), approved by Full Council for the period 31 January 2010 – 30 January 2013 need to be considered by Members in determining the application.
- 6.2 A premises licence cannot be granted for premises for which a premises licence already exists, although multiple licences may be granted for the same building provided each licence is for a discrete and permanently separated area.
- 6.3 Representations may be made by Responsible Authorities and Interested Parties that relate to the licensing objectives, or that raise issues under the licensing policy statement or the Commission's guidance or codes of practice.
- 6.4 For ease of reference, extracts from the Gambling Act, the Gambling Commission Guidance to Local Authorities, the Gambling Commission Licence Conditions and Codes of Practice and the Gambling Act (Mandatory and Default Conditions) Regulations 2007 are attached at Appendix D.

## **7 OPTIONS**

- 7.1 The following options are available to Members: -

- (a) To grant the application, subject to the Mandatory and Default conditions;
- (b) To reject the application;
- (c) Subject to paragraph 5 of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) Regulations 2007, to adjourn the hearing to a specified date or arrange for a hearing to be held on specified additional dates, where Members consider this to be necessary for their consideration of any representations or notice made by a party.

## 8 RECOMMENDATION

- 8.1 It is proposed that the Sub-Committee **RESOLVES** to determine the application, having considered all representations made at the hearing.

Richard Evans  
Head of Environmental Services

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### Background Papers:-

None.

For further information please contact Peter Nellies on:-

Tel: - 01702 318058  
E-mail: - [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk)

If you would like this report in large print, Braille or another language please contact 01702 546366.