

EAST AYRSHIRE COUNCIL
LOCAL GOVERNMENT LICENSING PANEL
28 OCTOBER 2004

APPLICATION FOR GRANT OF A TRACK BETTING LICENCE

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To invite the Panel to consider an application for the grant of a Track Betting Licence and to fix fees for the same.

2. BACKGROUND

- 2.1 An application has been received from Kilmarnock Football Club Limited, per Messrs. Burness, Solicitors, 242 West George Street, Glasgow, for the grant of a Track Betting Licence in respect of the premises at Rugby Park, Kilmarnock.
- 2.2 The application has been made and should be considered in terms of Section 6 and Schedule 3 of the Betting, Gaming and Lotteries Act 1963.

3. CORE SECTION

- 3.1 In accordance with Paragraph 5 of Schedule 3 to the Act, the applicants have given the required two months notice of their intention to apply for the grant of a licence, have advertised the same in two newspapers circulating in the area and have forwarded copies of the notice of intention to Strathclyde Police and the Council as Planning Authority.
- 3.2 A copy of the letter dated 23 August 2004 from Messrs. Burness, Solicitors, giving notice of the intention to apply for a licence is attached at Appendix 1 to this report.
- 3.3 The notice of intention to apply for a licence was published in the issues of the Scotsman and the Daily Record dated 23 August 2004.
- 3.4 The Divisional Commander, Strathclyde Police, in his letter dated 30 September 2004, advises that there are no objections or observations to make in respect of the granting of the application. (Copy attached at Appendix 2)
- 3.5 The Head of Planning and Building Control, in his memorandum dated 7 October 2004, advises that there are no objections in principle to the granting of a licence but the construction and siting of the proposed 'Portacabin' type structure outwith the actual stadium facility has yet to be resolved. Discussions are currently taking place with Kilmarnock Football Club on this matter. A copy of the memorandum is attached at Appendix 3.

4. FINANCIAL IMPLICATIONS

- 4.1 Paragraph 12 of Schedule 3 to the Act permits the Licensing Authority to set fees in respect of applications for grant of licence, an annual fee to be paid during the currency of the licence and in respect of the transfer of a licence.
- 4.2 In respect of any application for a track betting licence, such fee not exceeding £46.00, as the licensing authority may from time to time fix for the whole of their area shall be payable by the applicant before the hearing of the application but, if the licence is granted, the fee so paid shall be treated as a payment on account of the first annual payment to be made in respect of the licence.
- 4.3 In respect of every such licence, such annual fee not exceeding £464.00 as the licensing authority may from time to time fix for the whole of their area, shall be payable during the currency of the licence by the person who is for the time being the holder thereof, and the first of these payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.
- 4.4 In respect of any transfer of such a licence, such fee not exceeding £46.00 as the licensing authority may from time to time fix for the whole of their area, shall be payable by the person to whom the licence is transferred.
- 4.5 In terms of Paragraph 8 of Schedule 3 to the Act, a Track Betting Licence shall, unless cancelled or revoked, be in force for seven years from the date on which it is expressed to take effect.

5 LEGAL IMPLICATIONS

- 5.1 The application has been made and should be considered in terms of Section 6 and Schedule 3 of the Betting, Gaming and Lotteries Act 1963.
- 5.2 A copy of this report has been forwarded to the applicant.

6. POLICY IMPLICATIONS

- 6.1 Nil

7. CONCLUSIONS

- 7.1 An application has been received from Kilmarnock Football Limited, per Messrs. Burness, Solicitors, 242 West George Street, Glasgow, for the grant of a Track Betting Licence in respect of the premises at Rugby Park, Kilmarnock.

7.2 Strathclyde Police have no objections to the granting of the licence as requested.

7.3 In principle, the Head of Planning and Building control has no objections to the granting of the licence but is currently involved in discussions with Kilmarnock Football Club regarding the construction and siting of the proposed portable building.

8. RECOMMENDATIONS

8.1 It is recommended that the Licensing Panel consider the contents of this report and:-

- (i) in accordance with Paragraph 12 of Schedule 3 to the Act, set fees at:-
 - (a) £46.00 for consideration of an application for grant of a Track Betting Licence;
 - (b) £464.00 per annum for the currency of an existing licence;
 - (c) £46.00 for the transfer of a licence and,
- (ii) determine the application as Members see fit.

William Stafford
Executive Director of Neighbourhood Services

WS/GS

4 October 2004

LIST OF BACKGROUND PAPERS

NIL

Any person wishing to inspect any of the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail on john.crawford@east-ayrshire.gov.uk

