

Licensing Sub- Committee

Friday, 11 May 2018

MINUTES

Present:

Councillors Tom Baker-Price, Anita Clayton and Pat Witherspoon

Also Present:

Mr Gavin Dalzell, National Licensing Manager for Ladbrokes Betting and Gaming Limited, Justin Browning-Smith, Lead of New Product Development for Ladbrokes Gaming and Betting Limited, and Ms Julia Palmer, Solicitor for Ladbrokes Betting and Gaming Limited

Officers:

Timothy Bishop and David Etheridge

Democratic Services Officer:

Sarah Sellers

5. ELECTION OF CHAIR

Councillor Witherspoon was elected to be the Chair for the meeting.

6. CHAIR'S WELCOME

The Chair opened the Hearing and introduced the Members of the Sub-Committee and Officers present. At the request of the Chair all other parties present introduced themselves.

7. APOLOGIES

No apologies for absence were received.

8. DECLARATIONS OF INTEREST

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Chair

There were no declarations of interest.

9. APPLICATION FOR AN ADULT GAMING CENTRE PREMISES LICENCE - 8/10 UNICORN HILL, REDDITCH, WORCESTERSHIRE, B97 4QR

The Sub-Committee were asked to consider an application for an Adult Gaming Centre Premises Licence in respect of premises at 8-10 Unicorn Hill, Redditch, Worcestershire, B97 4QU.

The application had been made by Ladbrokes Betting and Gaming Limited, the owners of the site. At the date of the hearing the premises which had previously been operated as a Coral Licensed Betting office were not in use. Planning permission for change of use to an Adult Gaming Centre had been granted on 15 February 2018.

The application had been referred for a hearing before the Sub-Committee in light of a representation made by Power Leisure Bookmakers Limited, the owners of a Betting Premises Licence located at 1-2 Market Place, Redditch. Members were asked to note that although the representation had been made, confirmation had been received on 9th May that neither Power Leisure Bookmakers Limited nor their legal representative would be attending the hearing. Members confirmed that they had read the email sent by the solicitors for Power Leisure Bookmakers Limited dated 9th May 2018 which asked for the representations to be considered by the Sub-Committee.

The Senior Practitioner (Licensing), Worcestershire introduced the report and in doing so explained that an Adult Gaming Centre Premises Licence would enable the holder to make gaming machines available for use within an adult gaming centre. The licence would allow the holder to make available gaming machines in the categories of B3, B4, C and D. Under an Adult Gaming Centre Licence, a maximum of 20% of the total number of gaming machines would be permitted to be from categories B3 and B4, with no limit from the on the number of category C or D machines.

The Senior Practitioner (Licensing) confirmed that it would be an offence to allow a child to enter an adult gaming centre and therefore the application related to an adult only venue.

The Senior Practitioner (Licensing) further confirmed to Members:-

- That all the applicable documentation had been provided by the applicant;

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- That the application had been advertised in accordance with the statutory requirements, and that all responsible authorities had been notified;
- That none of the responsible authorities had submitted any representations;
- That the applicant had already been granted the necessary operating licence to use the premises for gaming machines by the national regulator, the Gambling Commission.

The Senior Practitioner (Licensing) confirmed that one representation had been received, from Power Leisure Bookmakers Limited (as referred to above), and that the representation raised concerns about two of the licensing objectives, namely:-

- The prevention of gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- The protection of children and other vulnerable persons from being harmed or exploited by gambling.

The Senior Practitioner(Licensing) advised Members that in making their decision they would need to have regard to the Councils Statement of Principles under the Gambling Act, the provisions of section 153 of the Gambling Act 2005, the Gambling Commission's sector specific Conditions and Codes of Practice applicable to adult gaming centres, and the Gambling Commission's Guidance to Licensing Authorities.

Members were reminded of the three licensing objectives and that expected demand for a premises may not be taken into consideration. The Senior Practitioner (Licensing) advised that "default conditions" which apply to other gambling premises do not apply to adult gaming centres. Members were referred to the mandatory conditions in Appendix 7 and the option for the inclusion of additional conditions where this might be relevant.

At the invitation of the Chair, Julia Palmer on behalf of the applicant addressed the Sub-Committee in support of the application. The Members confirmed that they had read the statement supplied by Mr Gavin Dalzell of Ladbrokes.

In addressing the representation made by Power Leisure Bookmakers Limited, Ms Palmer stated that there were differences between the rules that relate to adult gaming centres which were the subject of the application, and betting offices as operated by Power Leisure Bookmakers. In relation to vulnerable persons as referred to in the representation, Ms Palmer advised the Sub-Committee that the amount and type of gaming machines allowed

in adult gaming centres were strictly controlled through regulations imposed by the government. Regarding opening hours, Ms Palmer highlighted that Licensed Betting Offices could only operate between the hours of 8 am and 10 pm under the default conditions. However, the regime with hours for adult gaming centres operated differently and the default conditions would not be relevant to an adult gaming centre application. Ms Palmer rejected the suggestion in the representation that the application was being used to avoid the rules around opening hours.

In further addressing the Sub-Committee Ms Palmer stated :-

- That Ladbrokes would be complying with all the proper policies and procedures and Members could be satisfied that the section 153 requirements would be met;
- That no evidence or representations had been submitted by the responsible authorities;
- That Power Leisure Bookmakers had failed to make out any potential harm under the licensing objectives, and their request for the imposition of conditions could not be justified on the evidence;
- That in light of the lack of evidence that could underpin any conditions, that the licence should be granted without any conditions attached.

Ms Palmer answered questions from Members and in doing so clarified that:-

- CCTV would be installed at the premises as set out in the statement of Gavin Dalzell, and that in the absence of any representations regarding CCTV, particularly from the police, that to impose a condition in this regard would not be necessary or appropriate;
- Opening hours would be at the discretion of the operator in the absence of any default conditions, but would be dependent on customer demand and trading patterns, and that in the first few months there would always be two members of staff on duty;
- As there was no relevant evidence relating to opening hours, particularly from the police who had not commented on the application, then it would not be appropriate to impose conditions around opening hours;
- Any persons who tried to use the premises when they were drunk would not be permitted to do so by staff; this would be covered by the policy for zero tolerance for drugs and alcohol operated by Ladbrokes at its gaming centres;
- In response to concerns regarding use of the site by persons with mental health issues or dementia, that staff are trained

to interact with customers and get to know them, and that they would look after people with those kind of problems;

With regard to the plan of the premises, Gavin Dalzell confirmed that the higher stake Category B machines would be located on the left of the entrance in an area close to the counter. In response to the Council's Legal Advisor seeking clarification of intending opening hours, Mr Dalzell confirmed that it was not the intention to operate 24 hours a day and that the planned closing time would be 11pm.

Both the Senior Practitioner (Licensing) and Ms Palmer then had the opportunity to sum up.

The Council's Legal Advisor summarised for Members that the onus under the Gambling Act was for use of premises to be permitted unless there were any good reasons why that would not be appropriate. The Legal Advisor reminded the Members of the relevant provisions of the Gambling Act, the associated guidance documents, the three licensing objectives and the requirement for mandatory conditions.

Final submissions having been made, the Chair announced that having taken into account the evidence received and the oral representations made during the course of the Hearing, the Hearing would be closed for the Sub-Committee to consider all of the information and to make their decision in private. The Sub-Committee's decision would be sent to the applicant and all parties who made representations within five working days.

DECISION

Having had regard to:-

- The provisions of the Gambling Act 2005
- The Gambling Commission's sector specific Conditions and Codes of Practice applicable to adult gaming centres
- The Gambling Commission's Guidance to Licensing Authorities.
- The Council's Statement of Principles under the Gambling Act 2005
- The Report presented by the Licensing Officer
- The written representations submitted by and on behalf of Power Leisure Bookmakers Limited
- The application and oral representations made at the hearing by Mr Gavin Dalzell of Ladbrokes Betting and Gaming Limited

- The oral representations made at the hearing by the legal representative for Ladbrokes Betting and Gaming Limited

the Sub-Committee RESOLVED that the application for an Adult Gaming Centre Premises Licence relating to 8-10 Unicorn Hill, Redditch, Worcestershire, B97 4QU be granted, subject to the standard mandatory conditions.

The reasons for the Sub-Committee's decision are set out in Annex A of the Notice of Grant of an Application For a Premises Licence the full text of which is set out below:

NOTICE OF GRANT OF AN APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 164(2) of the Gambling Act 2005

REDDITCH BOROUGH COUNCIL, TOWN HALL, WALTER STRANZ SQUARE, REDDITCH, WORCESTERSHIRE, B98 8AH

An application for a premises licence of the following type: **Adult Gaming Centre**

is granted to: **Ladbrokes Betting & Gaming Limited**

of the following address: **One Stratford Place, Monfichet Road, London, E20 1EJ.**

the number of whose operating licence is: **000-001611-N-102408-018**

The premises to which the application relates are:

8/10 Unicorn Hill, Redditch, Worcestershire, B97 4QR.

The premises licence number is: **18/00911/AGC**

The date on which the licence takes effect is: **14 May 2018**

The licensing authority **did** receive representations in relation to the application.

The representations received in relation to the application, together with the licensing authority's response are set out in Annex A to this Notice.

An appeal may be brought against the grant of the application, or the imposition or exclusion of the conditions referred to above by either the applicant, or any person who made representations in relation to the application. An appeal must be instituted:

- in the magistrates' court for a local justice area in which the premises are wholly or partly situated;
- by notice of appeal given to the designated officer;

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- within 21 days beginning with the date of receipt of this notice of grant.

ANNEX A – REPRESENTATIONS

Representation	Licensing authority's response
<p>Protecting vulnerable persons from being harmed or exploited by gambling – due to increases in the number of high-stake and prize gaming machines.</p>	<p>The Sub-Committee were satisfied that the application made for an Adult Gaming Centre premises licence fell within the Statutory requirements for such a premises licence and that the representations made by the applicant were such that the Sub-Committee were not satisfied that the licensing objective referred to was undermined as suggested by the interested party. Indeed there was no evidential basis put forward for asserting that the licensing objective would be so undermined.</p>
<p>Crime and disorder – that the granting of the application had the potential to increase levels of crime and disorder in the vicinity of the arcade. This was due to no specific hours of opening having been given.</p>	<p>The Sub-Committee noted that there had been no representations made by the Police as a responsible authority in relation to concerns about crime and disorder. Furthermore the Sub-Committee noted that there were no default conditions in relation to Adult Gaming Centre premises licences that control opening hours. The Sub-Committee heard representations from the applicant in relation to opening hours and noted that there</p>

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	<p>was an indication of a potential closing time of 23:00. As there appeared to be no evidential reason put forward for derogating from the default position of no restrictions being placed on opening hours, the Sub-Committee were satisfied that this licensing objective was not undermined by the granting of the application.</p>
<p>That should the application be granted that conditions be added to the licence namely:</p> <ol style="list-style-type: none"> 1. that entrance doors be fitted with staff controlled maglocks 2. CCTV to be in operation 3. A minimum of two members of staff to be on duty at all times 4. Implementation of a Think 21 policy 5. Appropriate hours of operation until 22:00 	<p>The Sub-Committee had regard to the representations made by the interested party. As regards suggestions 1 to 4 the Sub-Committee were satisfied that having considered the representations made by the applicant that these potential areas of concern were adequately dealt with by the relevant codes of practice and the safeguards put in place by the applicant. Furthermore there was no evidential basis put forward for why these conditions would be appropriate in all the circumstances.</p> <p>As regards suggestion 5 this has been dealt with above in relation to the representations on crime and disorder. The Sub-Committee again felt that there was no evidential basis put forward for derogating from the default position of there being no restrictions being placed on opening hours.</p>

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	<p>The Sub-Committee considered the representations made in relation to the example opening signage but noted that this was merely an example and came from a Betting premises rather than an Adult Gaming Centre.</p> <p>In short the Sub-Committee did not feel that the representations made were such that it would be reasonable to impose conditions upon the premises licence.</p>
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The Meeting commenced at 2.05 pm and closed at 2.45 pm