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Licensing Sub-Committee

Meeting held on Thursday, 22 October 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Chris Clark (Chair);
Councillors Margaret Bird and Sherwan Chowdhury

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing)
Nicola Thoday (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

91/20 **Appointment of Chair**

Councillor Sherwan Chowdhury nominated Councillor Chris Clark as Chair.
Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Clark as Chair for the duration of the meeting of the Sub-Committee.

92/20 **Apologies for Absence**

There were none.

93/20 **Disclosure of Interests**

There were none.

94/20 **Urgent Business (if any)**

There were no items of urgent business.

Gambling Act 2005: Application for an Adult Gaming Centre Premises Licence at 82 Westow Hill, Upper Norwood

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

The Licensing Sub-Committee considered whether to grant the application for an Adult Gaming Centre Premises Licence at **82 Westow Hill, SE19 1SB** and the representations received as contained in the report of the Executive Director 'Place'. This included additional Applicant representations; addendum to Appendix A7. The Applicant confirmed that this additional information was provided for clarification and in order to assist the Sub-Committee during the hearing. The Sub-Committee also considered the verbal representations made at the hearing by two objectors/Interested Parties (a local resident & Ward Councillor), the applicant and their representative.

It was noted that no representations were received from Responsible Authorities. However, following discussions with Police the Applicant had amended their Application to reflect the reduced operating hours of 10.00h – 23.00h every day except Christmas day.

The Sub-Committee notes that Section 153 of the Gambling Act 2005 provides that, in exercising its functions under Part 8 of the Act, a licensing authority (the Council) **shall aim to permit the use of premises for gambling in so far as it thinks it is:**

- a) in accordance with any relevant code of practice under s.24 (the LCCP)
- b) in accordance with any relevant guidance issued by the Commission under s.25 (this guidance)
- c) reasonably consistent with the licensing objectives (subject to a and b above)
- d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

The Sub-Committee, have made their decision with reference to the licensing objectives under the Gambling Act 2005, relevant Codes of Practice (issued by the Gambling Commission under section 25 of the Act) and the Council Statement of Principles.

In determining this application this Sub-Committee has **not** had regard to:

- s.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application
- s.210 (1) of the Act states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or

not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building’.

- Concerns about indirect harm to children, as distinct from their entering the premises and taking part in gambling on-site or
- Personal, moral or ethical views on gambling.

The Sub-Committee has noted that the Applicant will:

- Have appropriate staff training in place,
- Ensure there is no mix of alcohol and gambling on the site. This includes not permitting either alcohol on the premises or those who appear to be intoxicated.
- Operate an effective Self Exclusion Scheme
- Have at least one member of staff at the premises during the day and two members of staff from 6pm onwards
- Have and operate an appropriate door entry policy and
- Ensure no people under 18 enter the premises.

The Sub-Committee is of the view that:

- It would not be appropriate to impose a condition regarding restricting the gifting of free items.
- It is not appropriate to reduce further the operating hours as these are already reasonable.
- It should not impose a ‘trial’ 1 year licence because the Review system within the Licensing regime caters for the situation where there has been a purported breach of the Licensing Objectives.
- It is not appropriate to restrict access to the toilets via a licensing condition.
- The existing regulation of and adherence to the Gambling Commission Guidance and Codes of Practice ensures the Applicant is a responsible operator and that the gambling is conducted in a fair and proper way.

The Sub-Committee notes that there are many schools very near to the premises (see Local Area Profile Appendix A6). Also, that the premises is on a busy bus route, frequented by many school children. There were therefore concerns regarding protecting children and vulnerable people from harm from gambling. During the hearing the Parties discussed the issues around a door entry system and when it would be appropriate to drop the latch so that entry can only be gained via a member of staff. The Applicant confirmed that they had appropriate policies regarding this and would act responsibly. The additional evidence the Applicant submitted (addendum to Appendix 5) stated that they were prepared to operate a policy of dropping the latch on the door between 15.30 – 16.30. The Sub-Committee agrees that this would assist the premises to meet the Licensing Objectives. However, given the likelihood that children will still be travelling home from school (e.g. after-school clubs), have decided to impose the following condition:

- That the premises operate a policy of dropping the latch on the door between 15.00h – 17.00h weekdays during the school term.

The Sub-Committee have **RESOLVED** to Grant this application.

The relevant conditions will be placed on the Licence. This includes the above and the mandatory conditions specified by The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.

We would like to take this opportunity to remind the Objectors that should you be of the view that the Licensing Objectives are not being promoted or adhered to you should apply for a Review of the Licence.

The Sub-Committee would also like to thank the Applicant and Objectors for their thoughtful contributions and the respectful manner in which the hearing was conducted.

96/20 **Exclusion of the Press and Public**

The following motion was moved by Councillor Bird and seconded by Councillor Clark to exclude the press and public:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

The motion was put and it was agreed by the Committee to exclude the press and public for a portion of the meeting.

The meeting ended at 12.12 pm

Signed:

Date:

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