

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 30 July 2020 by Remote Access via webex.

Licensing Committee members present:

Councillors Robinson, Cartridge and George

Apologies for absence:

None

Other councillors present:

Councillors Callum Baxter and Alice Collinson (observers)

Officers present:

Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer

Niky Barrett, Senior Licensing Officer

Duncan Jowitt, Democratic Services Officer

Emma Keany, Democratic Services Officer

John Glen, ICT (technical support)

Others present

Philip Kolvin QC

Dr Richard Bradley, Solicitor

Amanda Kiernan, Head of Compliance, Cashino Gaming Limited

Andy Tipple, Head of Product, Cashino Gaming Limited

Paddy Whur, Solicitor

No members of the public attended the meeting.

7 Apologies

None

8 Declarations of Interest

None

9 Confirmation of minutes

Deferred until the next meeting of the full Licensing Committee.

10 Application for a new Bingo Premises Licence 76 Victoria Road West, Thornton Cleveleys, FY5 1AG

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them to determine an application submitted under section 159 of the Gambling Act 2005 (the Act), for a new premises licence.

The Sub-Committee agreed to proceed with the hearing in the absence of the objectors and considered the following documents:

- the report of the Corporate Director Environment,
- additional information submitted by the Applicant on Friday 24 July 2020 and Wednesday 29 July 2020,
- Blackpool Council's Notice of Rejection in respect of an application at 40, Abingdon Street dated 29 June 2020 submitted by Mr Whur.

The Sub-Committee also heard oral evidence by video link from:

- The Applicant's legal representative, Philip Kolvin QC and two witnesses Amanda Kiernan and Andy Tipple.
- Paddy Whur (solicitor acting on behalf of three objectors).

In reaching its decision, the Sub-Committee had regard to:

1. The Gambling Act 2005 (the Act)
2. The Guidance and Code of Practice published by the Gambling Commission
3. The Council's Statement of Gambling Policy 2016-2021.
4. The Human Rights Act 1998

Decision

After due deliberation, the Sub-Committee decided to grant the premises licence, subject to the mandatory and default conditions prescribed in the Act and subject to the proposed licence conditions offered by the Applicant on p.2 of the Applicant's bundle.

Reasons for the Decision

- The Committee noted that all of the objectors had raised similar concerns about the potential for increased anti-social behaviour and disorder should a licence be granted. In reaching their decision, the Committee had regard to the Licensing Objectives, in particular the requirement to prevent gambling from being a source of crime and disorder and considered the Gambling Commission's guidance that indicated disorder was more serious and disruptive than mere

nuisance

- The Committee noted that there had been no objections from the police who were the lead advisers on crime and disorder and accepted Mr Kolvin's submission that if there had been any issues with crime or disorder then they would have expected the police to raise these concerns. The Committee also noted that there had been no objections from any other Responsible Authority.
- The Committee heard from Mr Kolvin that his client was a leading national operator of bingo premises which was not a business known for generating crime and disorder and such incidents were extremely rare. Further his client had carried out a detailed local risk assessment and had extensive systems and policies in place should any problems arise. The Committee noted that Cashino had over 163 bingo, adult gaming centre and family entertainment centre premises and never had a review of a bingo premises licence.
- The Committee did not accept Mr Whur's submission that the statistics showed an issue with ASB in the area. In fact, the police had indicated that the local area had relatively low levels of crime and disorder and although there had been isolated incidents, none had not been associated with gambling premises.
- The Committee acknowledged Mr Kolvin's submission that licensing was an evidence based system and after listening to Mr Whur and considering the representations from the other objectors found that there was no evidence these premises would be a source of crime or disorder or be associated with crime or disorder. Further, the Sub-Committee considered the decision made by Blackpool Council to be of no relevance to this hearing as each case is considered on its merits and Blackpool was a different area with different issues.
- Further, the Committee were satisfied with the answers given regarding layout of the premises, staffing levels and with the revised risk assessment that was submitted. In respect of the operating times, the Committee noted that some of the objections had referred to a 24 hour operation. However one of the proposed conditions was for the premises to close at 12 midnight which the Committee considered to be reasonable and would help address some of the concerns raised by the objectors.
- Taking everything into account, the Committee were satisfied that the granting of the licence with the following additional conditions as proposed by the Applicant, would be reasonably consistent with the licensing objectives under the Act, the Gambling Commission's Licence Conditions and Code of Practice and the Council's Statement of Licensing Policy.
 1. The premises shall install and maintain a comprehensive CCTV system with all recordings stored for a minimum of 31 days. Recordings shall be made available on the request of Police or authorised officers of the licensing Authority, subject to data

- protection legislative requirements.
2. Notices shall be prominently displayed within the premises stating that CCTV is in operation.
 3. An incident log shall be kept at the premises and made available on request to an authorised officer of the licensing authority or Police, Details to include:
 - a. All crimes reported to the venue
 - b. All ejections of patrons
 - c. Any complaints received concerning crime and disorder
 - d. Any incidents of disorder
 - e. All seizures of drugs or offensive weapons
 - f. Any visit by a relevant authority or emergency service
 - g. Any attempts by children and young persons to gain access to the premises to gamble
 - h. Any challenge 25 refusals
 4. A think 25 proof of age scheme shall be operated at the premises
 5. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises.
 6. There shall be no pre-planned single staffing at the premises from 20:00 hours until closing
 7. Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises.
 8. The licensee shall take reasonable steps to prevent nuisance directly outside the premises.
 9. The premises to close at 24:00 hours.

The meeting started at 6.05 pm and finished at 7.31 pm.

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