

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 16 October 2007 at 10.00 am.

Membership of the Sub-Committee (all Members present) – Councillors Heath (Chairman), Gibbard and Reynolds.

Officers:	S Christie (Assistant Solicitor)	}	Advising the Sub-
	S Moller (Legal Assistant)	}	Committee
	S Lodge (Democratic Services Officer)	}	
	Mrs N Barnes (Senior Licensing Officer)	}	Representing the Local Authority

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. LICENSING HEARING PROCEDURE

The Hearing was undertaken in accordance with the agreed Licensing Hearing Procedure.

3. APPEAL HEARING – APPLICATION TO GRANT A PREMISES LICENCE UNDER THE GAMBLING ACT 2005 IN RESPECT OF UNIT 2, ROTARY WAY, HANWELL FIELDS, BANBURY

Present at the Hearing:	Stephen Browning	-	Representing Ladbrokes Betting and Gaming Limited
	Michael Messent Solicitor	-	Representing Ladbrokes Betting and Gaming Limited
	Nicky Taylor	-	Representing Alison Squance an interested party.

Mrs N Barnes representing the Head of Urban and Rural Services stated that an application had been received on 7 August 2007 from Ladbrokes Betting and Gaming Limited for a premises licence in respect of Unit 2 Rotary Way, Hanwell Fields, Banbury in accordance with the Gambling Act 2005.

The report set out:-

(1) Details of the application which included:

- (i) Applicants details;
- (ii) Premises details;

- (iii) Times of operation where the applicant had not requested to use the premises for longer than those specified in the default condition of the Act which stated 'no facilities for gambling shall be provided on the premises between the hours of 10.00 pm on one day and 7.00 am on the next day'.
 - (iv) The application did not relate to premises which were part of the track or other sporting venue that already had a premises licence.
- (2) Indicated that should the application for the Betting Premises Licence be granted it would be issued subject to the mandatory conditions (as amended) of the Gambling Act 2005 the current conditions of which were circulated to Members.
 - (3) Set out the representations received from W Neale, A Squance, A Leverton, P & J Sorrell, G & P Putt, K & M Beam and D Lyall;
 - (4) Set out the relevant sections of the Guidance and Local Authority Gambling Policy Statement issued under the Gambling Act 2005 which were applicable to the representations of this case.
 - (5) Set out the options available to the Sub-Committee.

The Sub-Committee were also circulated with a document submitted by the applicants in support of their application. This contained:-

- (1) A statement by Ladbrokes in support of their case;
- (2) A copy of a street plan showing the proposed betting office premises, in proximity to other relevant buildings;
- (3) Photographs of the vicinity.
- (4) Layout details of the premises.
- (5) A schedule of facilities to be provided.
- (6) Policies regarding the vulnerable.
- (7) The company's commitment to the vulnerable and
- (8) The company's support for the community.

Mr Messent, Solicitor acting for Ladbrokes referred to the Council's Licensing Policy Statement and set out how the company complied with and actively promoted the Council's policy in relation to premises licence in respect of the following issues:-

3.1 - Decision Making General – Mr Messent set out how the company complied with the Council's aims to permit the use of premises for gambling.

3.2 - Location – acknowledged that a school and youth club were close to the proposed premises and was situated in a residential area and indicated how the company would overcome any potential problems with young persons.

3.4 - Conditions – indicated that the company did not seek to alter the Council's premises licence conditions as set out.

3.5 – Door Supervisor – considered that door supervisors were not necessary in this instance.

3.6 – **Adult Gaming Centres** – stated the steps that would be taken by the Company to comply with the Council's check list for adult gaming centres and indicated how all would be complied with except physical separation of areas.

3.10 – **Betting Premises** - that the company had an operating licence from the Gambling Commission.

In support of the company's case Mr Messent indicated:-

- (1) That Ladbrokes were the largest operator of betting premises in the world and had considerable experience operating such premises.
- (2) The four gaming machines that would operate would have good sight lines from the Ladbroke's employees who were taking the bets.
- (3) That the facility was to provide a local need and would be welcomed in the community.
- (4) The premises would have CCTV monitoring.
- (5) Outline the facilities which would be provided at the premises.
- (6) Outline Ladbroke's commitment to the community in that they held a 15 year lease.
- (7) The facility would provide 6 new jobs, 2 full-time and 4 part-time.
- (8) Outline Ladbroke's interest in community matters.
- (9) Outline the assistance the Company gave to problem gamblers, including a self-exclusion scheme.
- (10) Gave details of the company's charitable trust to local causes.

In relation to the specific complaints relating to the application the representatives for Ladbrokes stated:-

- (i) That the school and youth club, which operated once a week, and a local park were in the vicinity of the premises but felt that there would be no reason why young people would be interested in using a betting office. They referred to Section 5.18 of the Gambling Commission Guidance of Local Authorities which stated that children and young persons should not be permitted to gamble and should be prevented from entering gambling premises and that Ladbrokes had policies which promoted these aims;
- (ii) The fact that the use of the shop unit was for gambling purposes was not considered relevant for refusal of a premises licence;
- (iii) There were many betting offices throughout the country which were in close vicinity to public houses and it was in the interests of the company to discourage unruly behaviour.

- (iv) It was considered that customers using the betting facilities would not use the adjoining car park to such an extent as to prevent other users of the local amenities from parking. The betting facility had been provided to attract local residents and many of these would not need to drive to the betting office;
- (v) It was considered unfair to say people who use betting shops could be described as “disgraceful characters”. Public nuisance was not a consideration under the Gambling Act. Litter bins would be provided inside the betting shop to use for discarded betting slips and wall mounted ashtrays would be provided outside for customer who wished to smoke.
- (vi) Ladbrokes had the financial resources to establish and maintain a high standard facility. Again morality was not a consideration under the Gambling Act.

In reply to questions from Nicky Taylor, Ladbrokes representatives stated:-

- (i) That in relation to smoking outside the premises there was only likely to be four or five customers at any one time using the betting facility, most of whom would wish to be inside. The Company had no power to stop anyone from smoking outside;
- (ii) The establishment of a betting shop was considered to be viable by Ladbrokes Development Section and the Company would not make a commitment of £200,000 if they felt that they would not be a return for their money;
- (iii) Ladbrokes took every precaution to prevent robberies and took steps to reduce the risk of such possibilities. Cash was removed from the site on a regular basis and there was significant CCTV coverage and concern for staff was a priority;
- (iv) Although the licence applied for was from 7.00 am to 10.00 pm the premises were only likely to be open from 10.15 am to 9.30 pm.

In answer to questions from Councillors Mr Messent stated:-

- (i) That there would usually be two people on duty. If only one person was on duty and an under aged person entered the premises then the person on duty would lock the door to the cashier area and remove the person before betting continued and
- (ii) The views from the street into the betting shop would be mainly obscured.

In summing up Mr Messent stated that Ladbrokes were committed to the licensing objectives of the Council and believed that there was an expectation that the licence would be granted.

There were no representations on behalf of the objectors and the Sub-Committee noted

the seven objections from residents of Hanwell Fields.

The Sub-Committee then retired to consider the application in accordance with Regulation 4.11 of the Council's Gambling Hearings Procedure. On the return of the Sub-Committee the decision was announced and it was

RESOLVED that the license be granted in accordance with the application but taken into account relevant representations by interested parties.

REASON – the Sub-Committee was satisfied that the applicant's proposals to overcome the concerns expressed by the interested parties about children and other vulnerable persons, as regards opening hours and supervision and entry to the premises, as presented to the Sub-Committee were acceptable.

4. **END OF MEETING**

The meeting ended at 11.25 am.