

# NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met remotely on 9<sup>th</sup> November 2020 and resolved to approve **Application No 20/00517LGF** for a bingo premises licence in respect of **11-13 Market Place, Newbury, Berkshire, RG14 5AA** (“**the Premises**”), subject to a number of conditions set out below.

In determining this Application, the Sub-Committee had regard to the principles set out in section 153 of the Gambling Act 2005 (“**the Act**”) and that it shall aim to permit the use of premises for gambling in so far as the Licensing Authority think it is:

- (a) in accordance with any relevant Code of Practice issued under section 24 of the Act;
- (b) in accordance with any relevant guidance issued by the Commission under section 25 of the Act;
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)); and
- (d) in accordance with the Council’s Statement of Gambling Principles issued under section 349 of the Act (subject to paragraphs (a) to (c)).

The three licensing objectives set out in section 1 of the Act are:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Sub-Committee noted that in determining this Application it may not have regard to the following:

- the expected demand for the facilities which it is proposed to provide (section 153(2) of the Act);
- whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building (section 210(1) of the Act);
- any moral objections or dislike of gambling in an area pursuant to paragraphs 2.1 of the Council’s Statement of Gambling Principles and paragraph 5.34 of the Gambling Commission’s Guidance to Local Authorities.

Furthermore, the Sub-Committee noted paragraph 2.2 of the Council’s Statement of Gambling Principles and that there is existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance where it arises as a result of noise from a building or from general disturbance once people have left a building and that the guidance to the Licensing Authority is that it will not use the Act to deal with general nuisance issues.

## **Representations**

The Sub-Committee considered the Application submitted by the Applicant which included a bundle of additional information (“**the Additional Information**”) and the written representations made by Alfie (referred to as Mr Alfie Grant during the oral representations as detailed below), Kate Balgh, William Ball, Isabel Cornsew, Darryl Chapman, M A Froberer, John Hunter, Daker

Kourani, Georgia Nutley, Mr Graham Spellman, Richard Stapleton, Teresa Glanvue, Andrey Trahdafir, Charlie Woodhead, Grant Brisland and Gordon Abbotts.

The Sub-Committee also considered a petition which had been submitted and the oral representations made by:

- 1 **The Applicant:** Mr Philip Kolvin QC (Applicant's Legal Representative), and Ms Amanda Kiernan, Mr Andy Tipple and Mr Steve Ambrose on behalf of the Applicant;
- 2 **Objectors:** Mr Paddy Whur (Solicitor) on behalf of Charlie Woodhead and Mr Alfie Grant;
- 3 **Ward Member:** Councillor Martha Vickers.

Decision:

Having taken those relevant representations into account, the Licensing Sub-Committee **RESOLVED** that **Application No 20/00517LGF** be granted subject to the relevant mandatory and default conditions pursuant to the Gambling Act 2005 and any subordinate legislation and the conditions detailed below:

- 1 The licensing plan for the Premises shall be that included at paginated page 42/typed page 46 of the Additional Information.
- 2 The premises licence shall take effect once the Applicant has notified the Licensing Authority that the premises are ready to be used for gambling and a Licensing Officer has completed an inspection and is satisfied this is the case.
- 3 Between midnight and 6am there must be two members of staff on duty at all times.
- 4 Between 8pm and midnight there should be no planned single staffing. If there is single staffing during this time, a magnetic door locking system must be in constant use.
- 5 The Licensee shall take reasonable steps to prevent nuisance directly outside the Premises.
- 6 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 7 Individuals who are deemed to be under the influence of excessive alcohol or under the influence of drugs shall not be allowed to enter the premises.
- 8 A Think 25 proof of age scheme shall be operated at the premises where any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry. Acceptable forms of identification are recognised photograph identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 9 Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises.
- 10 The premises shall install and maintain a comprehensive digital CCTV system, which shall continually record whilst the premises are open. All recordings shall be retained for a minimum period of 90 days. Viewing of recordings shall be made available upon the request of the Police or an authorised officer of the Licensing Authority, subject to data protection legislative requirements.

- 11 Notices shall be prominently displayed within the premises stating that CCTV is in operation.
- 12 An incident log shall be kept at the premises and retained for a minimum period of 90 days and made available upon the request of the Police or an authorised officer of the Licensing Authority. The incident log must include (with full details of each):
  - 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 Think 25 refusals.
- 13 The appropriate staffing levels will be assessed by way of risk assessment and cognisance will be taken of any police advice.
- 14 The licensee shall participate in a local Betwatch or similar scheme, where available.

Reasons:

The Sub-Committee noted that the two licensing objectives which were engaged included:

- 1 preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; and
- 2 protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Sub-Committee noted that the Applicant had confirmed as part of its Application that no children would be allowed onto the Premises, there would be no licence to serve alcohol and it was not applying to exclude any default condition. As a consequence, the proposed hours of operation (subject to planning consents, etc) in relation to bingo would be Sunday to Saturday from 9am until midnight and 24 hours in relation to gaming machines.

The Sub-Committee was sympathetic to the concerns raised and representations made by the Objectors and the Ward Member. Notwithstanding this, however, it was only in a position to consider the relevant representations made and the evidence before it. The Sub-Committee considered that the Objectors' concerns related to a fear of what the future might hold and could not find any evidence that demonstrated that if the premises licence was granted it would not comply with the principles to be applied pursuant to section 153 of the Act.

The Sub-Committee placed appropriate weight on the fact that no Responsible Authority had made any representations in response to the Application, including Thames Valley Police and the body designated to advise the Licensing Authority about the protection of children from harm. Indeed, during the hearing, the Applicant had referred to discussions which had taken place with the Police and stated that the Police did not have any concerns and were assured in relation to the additional conditions offered by the Applicant in relation to CCTV and monitoring.

The Sub-Committee also observed that this was an experienced national operator with 170 premises and operational standards and procedures were in place. In particular, this included the training of staff and audits. Further, the Sub-Committee heard that members of staff would be walking the floor rather than sitting behind a screen. It was also asserted on behalf of the Applicant that it had never had a review of any of its premises licences, their premises rarely generated any issues of crime and disorder and only a handful of its premises were licensed for other than 24/7 operating hours.

Whilst the Sub-Committee resolved to grant the Application, this is subject to additional conditions. These conditions were offered by the Applicant and have been amended in light of the particular circumstances and location of the premises. The Sub-Committee was satisfied those conditions were necessary, appropriate and proportionate to provide additional assurance to mitigate any risks, but that it was not necessary or proportionate to add any further conditions in light of the regulation already in place.

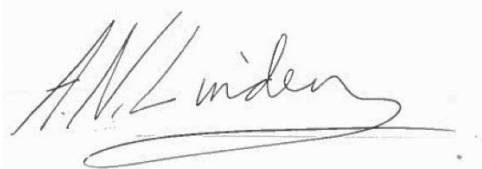


**Cllr James Cole**

(Chairman)



**Cllr Graham Bridgman**



**Cllr Tony Linden**

**Date:** 16 November 2020