

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee
held at Knowle, Sidmouth on Monday, 13 October 2008

Present: Councillors:
Christine Drew (Chairman)
Graham Godbeer
Pat Graham

Also Present: Councillors:
Ken Potter
Tony Reed
Chris Tratt

Officers:
Rachel Pocock – Head of Legal, Licensing & Democratic Services
John Tippin – Licensing Manager
Chris Lane - Democratic Services Officer
John Loveridge – Licensing Officer

Apology Councillor Graham Liverton

The meeting started at 9.35 am and ended at 1.15 pm

***21 Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee held on 22 September 2008, were confirmed and signed as a true record.

***22 Application an Adult Gaming Certificate to be granted under the Gambling Act 2005 at the Dove, Dove Lane, Sidmouth**

The Sub Committee gave consideration to the application for the grant of a Adult Gaming Licence under the Gambling Act 2005 to permit gaming machines to be used by over 18 year old persons at the Dove, Dove Lane, Sidmouth.

The Chairman identified members of the Sub Committee, Officers, applicants and police representatives present. The applicant was Mr G Symonds represented by Mr K Etchells, Solicitor. The interested parties were A Woolf, Rev H Bennett, A & T McEwan, M Seward, G & T Thornton, G Pickard, R Mullins, D Govier - Solicitor, S Meadows, C Healey and A Barlow.

The Sub Committee had carefully considered the application with the amendments the applicant proposed for the variation of licensable activities and the extension of proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Gambling Act 2003. Members had also taken into account Government Guidance and the Council's own gambling policy, and the Human Rights Act 1998 in making this decision.

It was considered relevant that no representations had been received from the police or other responsible bodies in relation to the Gambling Act objectives that had been the subject of representations, that is to say: preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, ensuring that gambling is conducted in a fair and open way, and protecting children and other vulnerable persons from being harmed or exploited by gambling. From this it was concluded that the police considered that there were no concerns associated with the

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Application an Adult Gaming Certificate to be granted under the Gambling Act 2005 at the Dove, Dove Lane, Sidmouth (Cont)

proposed operation of the premises, and that there was not likely to be if the application was granted.

The particular locality of the premises in the town centre of Sidmouth and its physical relationship with other residential and commercial properties in the vicinity was considered. The applicant had defined the licensable area as set out on the plan which was provided by the applicant.

The applicants' case was that he had a great deal of experience in the Adult Gaming trade and that the machines he proposed to use in this centre were not noisy. He did not anticipate more than 6 people at a time using the premises. His customers were normally well behaved and quiet, playing the machines individually. Under 18's would be strictly barred and he would have stringent policies in place to prevent their entry. He had already met with the requirements of the Gambling Commission to obtain an operator's licence.

The Gambling Act 2005 gave the presumption that a licence for gambling facilities should be granted provided the applicant met the objectives required by the Gambling Commission. The facilities he proposed were of interest to a minority of the public. There was no evidence that the premises would attract the young or vulnerable.

The written representations received from interested parties related to all three licensing objectives. In summary the main issues appeared to be. Firstly in relation to the preventing of gambling being a source of crime and disorder, some objections alleged that the Dove would attract illegal activity and bad behaviour and that the location of the Dove in the centre of town near Carina's nightclub would make crime and disorder worse.

Regarding the fair and open gambling objective, one objector suggested the machines would not be set fairly and transparently. As regards the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling, the objections focused particularly on concerns about young people being drawn into addictive gambling.

At the hearing they added that they feared the gaming centre would be more like an open fronted noisy amusement arcade such as those at seaside resorts that did not enjoy Sidmouth's upmarket image. There was also concern that those under 18 would try to get into the premises, including children and young people attending Sidmouth International School. Some felt that betting machines themselves caused crime and disorder and that the machines were noisy and would cause disturbance to neighbouring premises, including hotels. Mention was also made that the premises would attract and create problem gamblers, including under 18s and vulnerable people, which could have a seriously damaging effect on family or personal life.

Members considered the application for a premises licence for an adult gaming centre under the Gambling Act 2005 in the light of the statutory objectives, guidance issued by the Gambling Commission, the relevant code of practice for gambling operators and the Council's own gambling policy. The conditions which the Gambling commission had already imposed on the applicant as part of his operating licence were considered. These included a requirement that the licensee must ensure compliance with the social responsibility provisions of the code of practice issued by the commission relating to restricting access to gambling by children and young persons, giving information on how to gamble responsibly and helping problem gamblers. The question of demand for gambling premises such as this had been excluded, as required by statute and could not be refused on moral grounds which do not relate to the statutory objectives.

At the present time there was no real evidence that the operation the applicants proposed to run would cause the unacceptable impact local residents suggested.

*22 **Application for an Adult Gaming Certificate to be granted under the Gambling Act 2005 at the Dove, Dove Lane, Sidmouth (Cont)**

The representations all parties had made and the written representations and other documentation put before the Sub Committee were considered. The location of the premises and the controls over its future operation in terms of opening hours, noise and visual impact which have been imposed by way of planning conditions were considered.

The Gambling Act contained review provisions which enable responsible authorities or interested parties to apply to the licensing authority for a review of the licence. The Council as licensing authority may also institute a review of a premises licence itself, where it suspects a breach of the conditions on a licence or it otherwise thinks a review would be appropriate. On review, the Sub Committee may revoke the licence, or suspend it for up to three months, or add/remove/amend conditions.

RESOLVED that an Adult Gaming Licence be granted under the Gambling Act 2005 to permit gaming machines to be used by over 18 year old persons at the Dove, Dove Lane, Sidmouth, with the following conditions:

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority;
2. CCTV recordings must be maintained for a period of one month or for a period of time to be agreed in writing by the Licensing authority;
3. If the CCTV equipment is inoperative the Licensing Authority must be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order.
4. A notice must be displayed at the entrance to the premises advising that CCTV is in operation
5. The premises opening hours will be:
 - 0900 – 2200 Mondays to Saturdays
 - 0900 - 1800 Sundays and Bank Holidays (Easter, May, Spring and August Bank Holiday Mondays, Christmas Day, Boxing Day, New Year's Day and Good Friday)
6. The premises must be configured in such a way that children and young persons are not invited to participate in, have access to, or closely observe gambling where they are prohibited from gambling.
7. The premises must be configured in such a way that vulnerable persons are not being invited to participate in, have access to, or closely observe gambling.
8. The premises shall have a window display which will prevent direct vision into the premises. The display shall not be of a nature that advertises or invites gambling;
9. A screen or lobby shall be permanently constructed and maintained to prevent any view of the machines from the exterior of the premises;
10. The outer door(s) of the premises must be able to shut automatically each time it/they is/are opened.
11. The fire door shall be kept permanently closed except in the case of emergency evacuation
12. A minimum of one member of staff shall be present at all times in the area to which the public has access.
13. One member of staff who is registered with the SIA as qualified doorstaff shall be present on the premises at all times.

Application an Adult Gaming Certificate to be granted under the Gambling Act 2005 at 165 High Street, Honiton

The Sub Committee gave consideration to the application for the grant of a Adult Gaming Licence under the Gambling Act 2005 to permit gaming machines to be used by over 18 year old persons at 165 High Street.

The Chairman identified members of the Sub Committee, Officers, applicants and police representatives present. The applicant was Mr G Symonds represented by Mr K Etchells, Solicitor. There were no interested parties present.

The Sub Committee had carefully considered the application with the amendments the applicant now proposed for the variation of licensable activities and the extension of proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Gambling Act 2005. Members had also taken into account Government Guidance and the Council's own licensing policy, and the Human Rights Act 1998 in making this decision.

It was considered relevant that no representations had been received from the police or other responsible authorities in relation to the Gambling Act objectives that had been the subject of representations, that is to say: preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, ensuring that gambling is conducted in a fair and open way, and protecting children and other vulnerable persons from being harmed or exploited by gambling. From this it was concluded that the police considered that there were no concerns associated with the proposed operation of the premises, and that there was not likely to be if the application was granted.

The particular locality of the premises in the town centre of Honiton and its physical relationship with other residential and commercial properties in the vicinity was considered. The applicant had defined the licensable area as set out on the plan which was provided by the applicant.

The applicants' case was that he had a great deal of experience in the Adult Gaming trade and that the machines he proposed to use in this centre were not noisy. He did not anticipate more than 6 people at a time using the premises. His customers were normally well behaved and quiet, playing the machines individually.

The applicant did not foresee any issues of future bad behaviour linked to the premises because they were currently well managed and it was recognised that bad behaviour was unacceptable. The applicant reassured the Sub Committee of the premises underage policy and serving of alcohol to over supplied customers.

The written representations received from one interested party objected to the grant of a licence because of concerns that an adult gaming centre will lead to rowdyism and disorder.

Members considered the application for a premises licence for an adult gaming centre under the Gambling Act 2005 in the light of the statutory objectives, guidance issued by the Gambling commission, the relevant code of practice for gambling operators and the Council's own gambling policy. The conditions which the Gambling commission had already imposed on the applicant as part of his operating licence were considered. These included a requirement that the licensee must ensure compliance with the social responsibility provisions of the code of practice issued by the commission relating to restricting access to gambling by children and young persons, giving information on how to gamble responsibly and helping problem gamblers. The question of demand for gambling premises such as this had been excluded, as required by statute and cannot be refused on moral grounds which do not relate to the statutory objectives.

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Application an Adult Gaming Certificate to be granted under the Gambling Act 2005 at 165 High Street, Honiton(Cont)

The representations all parties had made in written representations and other documentation put before the Sub Committee were considered. The location of the premises and the controls over its future operation in terms of opening hours, noise and visual impact which have been imposed by way of planning conditions were considered.

The Gambling Act contained review provisions which enable responsible authorities or interested parties to apply to the licensing authority for a review of the licence. The Council as licensing authority may also institute a review of a premises licence itself, where it suspects a breach of the conditions on a licence or it otherwise thinks a review would be appropriate. On review, the Sub Committee may revoke the licence, or suspend it for up to three months, or add/remove/amend conditions.

RESOLVED that an Adult Gaming Licence under the Gambling Act 2005 to permit gaming machines to be used by over 18 year old persons at 165 High Street be granted, with the following conditions:

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority.
2. CCTV recordings must be maintained for a period of one month or for a period of time to be agreed in writing by the Licensing Authority.
3. If the CCTV equipment is inoperative the Licensing Authority must be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order.
4. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
5. The premises opening hours will be:
 - 0900 – 2200 Mondays to Saturdays
 - 0900 - 1800 Sundays and Bank Holidays (Easter, May, Spring and August Bank Holiday Mondays, Christmas Day, Boxing Day, New Year's Day and Good Friday)
6. The premises must be configured in such a way that children and young persons are not invited to participate in, have access to, or closely observe gambling where they are prohibited from gambling.
7. The premises must be configured in such a way that vulnerable persons are not being invited to participate in, have access to, or closely observe gambling.
8. The premises shall have a window display which will prevent direct vision into the premises. The display shall not be of a nature that advertises or invites gambling.
9. A lobby in the immediate entrance to the premises should be permanently constructed and made of screens or suitable partitions at least 2.00m high so that when the outer door is open no gambling activity can be seen by persons outside the entrance to the building. The screens should be made of wood or of glass sufficiently opaque so that no gambling activity can be observed through the glass.
10. The outer door(s) of the premises must be able to shut automatically each time it/they is/are opened.
11. Any inner door(s) between the lobby area and the area where gambling activities take place must be able to shut automatically each time it/they is/are opened.
12. A minimum of one member of staff shall be present at all times in the area to which the public has access.

*24 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Senior Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

RESOLVED that the application be granted as applied subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements..

<p>Application to vary a premises licence</p>	<p>King William Hotel, Budleigh Salterton</p>	<p>Following mediation the applicant and the Police have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the inclusion within the operating schedule of an additional two conditions</p> <ol style="list-style-type: none"> 1. If within six months of the grant of the variation of the licence the police or the Licensing Authority serve written notice on the licence holder following a proven incident of crime and disorder, CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. Data to be kept for a period of between 7 and 14 days. 2. No customers will be permitted to take open containers of alcoholic or soft drinks outside the front of the premises.
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Chairman Date