

# Licensing Sub Committee

Tuesday 17 March 2020

## PRESENT:

Councillor Rennie, in the Chair.  
Councillor Hendy, Vice Chair.  
Councillor Jordan.

Fourth Member: Councillor R Smith.

Also in attendance: Ann Gillbanks (Senior Lawyer), Marie Price (Licensing Officer), Helen Prendergast (Democratic Adviser) and Dwayne Seymour (Devon and Cornwall Police).

The meeting started at 10.00 am and finished at 12.00 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 50. **Appointment of Chair and Vice-Chair**

The Committee agreed that Councillor Rennie is appointed as the Chair and Councillor Hendy as the Vice-Chair for this particular meeting.

### 51. **Declarations of Interest**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

*(Councillor R Smith left the room and took no further part in the meeting as the fourth member was not required).*

### 52. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 53. **Variation of Premises Licence - Premier Express Punchbowl, 3-5 Wolseley Road, Milehouse, Plymouth, PL2 3AA**

The Committee -

- (a) considered the report from the Director of Public Health;
- (b) considered the information that the Devon and Cornwall Police had reached an agreement with the applicant regarding licensing hours and subsequently withdrew their representation;

(c) heard from the applicants and considered the applicants' written representations that -

- they took on the business four to five months ago, to help local customers, introduced a cash machine and other important services to the shop;
- they had working class customers who requested to buy alcohol later than the current opening hours and also people shopped on their way home from night shifts, who had requested to buy alcohol in the morning which was why they wished to sell alcohol from 6am;
- they had invested in the shop to provide a local business and wanted to provide flexibility for the community;
- that they also owned three garages that sold alcohol and the garages would cater for people driving to the area to buy alcohol, rather than customers driving to this shop;
- there was a different set of customers for the shop than the garages; the shop's customers were mainly working class or older residents some of whom did not even drive and had been in the area for 30 to 40 years;
- this was their first venture into retail;
- they were willing to work with the Police over any concerns around selling alcohol during football matches;
- they had negotiated with the Police to change their application from applying for opening and alcohol licence from 24 hours to 6am to 1am, Monday to Sunday; this reduction in the hours of their application was to combat the problems that were experienced between 1am and 3am when all pubs and clubs were closing and people were making their way back home; the change in hours limited access to alcohol to combat public nuisance;

(d) they had the following in place to deal with the licensing objectives -

- Prevention of Crime and Disorder -
  - the premises was covered by CCTV and panic attack button equipment directly linked to the Police; the premises was covered by CCTV inside and outside;
  - high value products were located behind the till;

- staff were regularly guided/trained in how to prevent crime and disorder in the store;
    - there was no evidence, in the last six months in relation to any crime, disorder or anti-social behaviour at the premises, or related to the management of the premises which had to be registered with the local authority;
  - Public Safety -
    - provided details of safety of the public on the premises, in terms of fire safety and electrical certificate, fire extinguishers on the premises and up keep/maintenance of the CCTV system;
  - Prevention of Public Nuisance -
    - staff were fully trained regarding sale of alcohol and followed Challenge 25 selling policy;
    - had a bin just outside the premises to minimise litter, this was regularly emptied; also undertook regular litter picking to keep frontage clean;
    - maintained an incident book of details of occurrences of disorder, refusal of alcohol and other safety certificates, all were available for inspection by the relevant authorised bodies;
    - monitored customer misbehaviour in store and had a zero tolerance for any abuse related to staff;
  - Protection of Children from Harm -
    - had recently had a test purchase carried out in the premises by Plymouth City Council where the member of staff successfully refused the sale of age restricted produce to under age customers;
- (e) considered representations from the interested party as follows:
- Prevention of Public Nuisance and Prevention of Crime and Disorder -

- noise and litter late at night – Milehouse Road could be very noisy on weekend evenings, with drunks making their way home and deliberately causing noise by shouting and kicking the bus stop signs; on occasions, this extended to kicking car wing mirrors off; the area of the junction, bus shelters and entrance to Central Park became littered with food debris and packaging and broken glass was common; it was intimidating for the residents, many of who were elderly;
- people leaving the pub late, after the evening's drinking should not be encouraged to buy alcohol;
- vulnerable residents – providing 24 hour access to alcohol was likely to be detrimental to some occupants of nearby sheltered or hostel accommodation;
- street drinkers – 24 hours of off sales were likely to encourage street drinkers who currently congregated on the steps of the snooker club building in warmer weather; this was situated on the edge of two areas covered by PSPO relating to alcohol;
- youths/Central Park stake park – the skate park was floodlit all night and a congregating point for teenagers; often observed broken glass, cans or bottles on the path to this area; whilst there was no problem with the use of the stake park, there was a belief that they should not benefit from easier access to alcohol;
- although had concerns about the area, acknowledged that the premises had been well run since this applicant had taken over.

The Members of the Committee considered that the representations made by the interested party were relevant under the licensing objectives but also noted that the applicant had demonstrated that they were keen to work with the local community and that they had a good relationship with the Police.

The Committee noted that the representations from the interested party related to the issues regarding the consumption of alcohol in the area and not with the running of the business and that the measures outlined by the applicant to deal with the licensing objectives should control the sale of alcohol. The Committee noted that there was no evidence produced that the incidents described were related directly to the shop.

The Committee was concerned that people using the pub may then wish to purchase additional alcohol from the shop which could impact further on the problems in the area and as a result considered it reasonable and appropriate for the promotion of the licensing objectives to –

Agreed to grant the proposed extension on the following terms –

- (1) the sale of alcohol could take place between 6am to 12 midnight, Monday to Sunday for a trial period of six months;
- (2) if, during the six month period any objection or representation is received from any resident or Responsible Authority about the premises, the application would be referred back to the Licensing Committee;
- (3) if no representations are received during this time, then these hours will become permanent.

54. **Grant of a Gambling Premises Licence - Merkur Slots, 235 Albert Road, Plymouth PL2 1AH**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) noted that there had been no representations made by Devon and Cornwall Police, or any other Responsible Authorities;
- (c) considered the in-depth written representations and policy document provided by the applicant and heard summary representations from the applicant and their Solicitor as follows -
  - Ladbroke's previously operated the premises and the intention was to replace the betting shop business with a bingo premises licence; the company operated 90 similar businesses across the country and one in Plymouth;
  - there had been a betting shop operation at the location for 20 years;
  - bingo was a softer form of gambling and the customer profile was different to that of a betting shop;
  - customers congregation outside of this type of business was lower and it was policy to ensure that this was actively managed; the company had 163 licensed premises across the country with no problems in other venues;

- bingo had to be provided on the site as a condition of the licence, so would not become a slot machine only business;
- there was no net increase in the number of gambling premises in the area;
- consultation with the Police team took place as part of the application and the Police were not aware of any problems with the premises; no objections had been received by Police, Environmental Health or Child Protection;
- the Gambling Act was a permissive regime and the applicant was aware that all promotions must be reasonably consistent with the licensing objectives; the policy documents provided showed that the company's controls go beyond what was required to satisfy the licensing objectives;
- the premises would be operating as an adult only venue no under 18's allowed; operate Challenge 25 policy with procedures, training, records that accompany that policy;
- the company had a social responsibility policy dealing with customer behaviour, social responsibility; large volume of resources provided towards compliance in the form of an audit team which reviewed all venues to maintain standards; this regular assessment would identify any potential incidents which would be reported to senior management for action;
- the representation from the resident was one of nuisance, this was not a licensing objective under the Gambling Act, however the applicant would manage the impact upon the local community and promote all reasonable steps to keep impact to a minimum, although it was rare for problems outside the premises in the applicant's experience;
- the applicant confirmed that marketing and advertising agreed with the Gambling Commission codes of policy with regard to venues; window displays reduced the line of sight from the street to the gambling and barriers within the premises comply with the Council's own policy;
- there was a safe play app that customers could use to monitor their own behaviour and self-regulate; the applicant's staff undertook comprehensive training with a key focus on customer interactions and player harm; where customers had requested exclusion, this was monitored so that the customer can be informed of any breach; this information was shared with the team of auditors and if venues were not complying, suitable training would be undertaken;

the company also offered gamble awareness and details of gamble support agencies; records were kept where customers had been given this advice and if customers returned, they were interviewed to ask if they had taken advice;

- (d) considered the written representations from interested parties as follows -

INTERESTED PARTY	LICENSING AUTHORITY'S RESPONSE
<p>Lives directly above the premises. Shop front was previously a Ladbrokes betting shop constant hub of people outside the premises smoking which prevented interested party from having any windows open due to smell.</p> <p>Cars parked outside on pavement and noise from people leaving and entering until the late evening was disturbing. As a premises that has slot machines, fear is that the same pattern will occur.</p> <p>There is already a slot machine shop within a mile of this proposed business. ~We live in what is supposed to be a regeneration area, cleaning up this area should be a priority. It will not as far as the interested party can see benefit the local area/economy in any way.</p>	<p>Point 1 and 2</p> <p>These were representations about nuisance, which were not a licensing objective under the Gambling Act. However, the Committee was satisfied with the response given by the applicant that in their experience of their other premises customer congregation outside of this type of business was lower than the previous establishment and it was the applicant's policy to ensure that this was something that was actively managed to adapt to local conditions.</p> <p>Point 3</p> <p>The number of gambling premises (or demand for such) in an area was not something that the Committee can consider under the Gambling Act. However, as outlined above the Committee was satisfied that the premises would be able to adapt to local conditions and operate closely with the Police to be able to address any issues that may arise.</p>
INTERESTED PARTY	
<p>Concerned that this application is not really for a Bingo club but rather a Slot Machine Arcade. The applicant's website clearly shows this is the main focus of their business. Many of their arcades operate 24 hours a day 7 days a week. Evidence of this can found on their website.</p>	<p>This was not a relevant representation. The applicant had applied for a Bingo premises licence.</p> <p>The Committee was satisfied that the premises would be operated to the required compliance requirements for a Bingo Premises.</p>

<p>Bingo premises have by their nature to be large properties to accommodate seating for bingo and facilities for eating and drinking together with a limited area for slot machines. The application premises are small with an internal area of around 88 square metres.</p> <p>This is an Amusement Arcade being disguised as a bingo premises to make it appear more acceptable.</p>	<p>The Committee was also satisfied with the applicant's explanation as to how the bingo gaming would be operated in this size of premises</p>
<p>The premises do not have planning permission for the proposed use.</p>	<p>This was not a relevant consideration for the Committee.</p>
<p>The UTC colleague is situated extremely close to the application site. Whilst the proposed slot machines are not permitted to be used by children it would be a temptation for youngsters walking past daily going to and from school.</p>	<p>The applicant had satisfied the Committee that they would operate these premises as adult only with no under 18's allowed and that they had Challenge 25 procedures/ and reporting policies in place to control.</p>
<p>Established policies indicate Amusement Centres should not be permitted close to premises frequently used by young people. Protecting young people are grounds for refusing the application. This is an area of great concern to the Gambling Commission.</p>	<p>This was not a relevant representation as this was not an application for an Amusement Centre.</p>
<p>We operate an Adult Gaming Centre some 500 metres to the East of the application site. This has been in our ownership for 35 years and is an established part of the local community. There is another locally owned Adult Gaming Centre some 500 metres to the West of the application site Slot machine gaming is therefore already well catered for in this area.</p>	<p>This was not a relevant representation under the Gambling Act. The Committee cannot consider demand or location of other premises in the area.</p>
<p>The surrounding area is largely consisted of social housing with low income and a high unemployment level. As a local operator we are used to working in this environment and voluntarily restrict hours and the numbers of high roller £500 jackpot</p>	<p>The Committee cannot consider demand or location of other gambling premises when considering this application.</p>



machines.	However, the Committee was satisfied that the applicant had complied with the Gambling Act Code of Conduct and Guidance in the production of their operating procedures and the controls they outlined to promote responsible gambling.
This National operator would merely seek to extract maximum income from the local community and run.	This was not a relevant representation.
The proposed premises are adjacent to the main entrance to Latitude 52. This comprises of a high-rise block of 101 apartments. In addition surrounding housing in Albert Road is of medium to high rise apartment blocks Any evening/night use of this property will give rise to noise and disturbance for residents above in Latitude 52 and other residents in nearby blocks.	These were representations about nuisance, which were not a licensing objective under the Gambling Act. However, the Committee was satisfied with the response given by the applicant that in their experience of their other premises customer congregation outside of this type of business was lower than the previous establishment and it was the applicant's policy to ensure that this was something that was actively managed to adapt to local conditions.
There is at present no night time economy in the immediate area, simply high density housing provision	This was not a relevant representation under the Gambling Act. The Committee cannot consider demand or location of other premises in the area.

In considering all of the above, the Committee considered that the applicant had demonstrated that the premises would be operated –

- in accordance with the Gambling Commission Guidance under s.24 of the Gambling Act;
- in accordance with the Gambling Commission Guidance under s.25 of the Gambling Act;
- would be reasonably consistent with the licensing objectives;
- in accordance with the Council's own statement of licensing policy.

The Committee therefore agreed to grant the application.