

Minutes of the Licensing Sub-Committee

5 August 2014

Present:

Councillor R.W. Sider (Chairman)

Councillors I.T.E. Harvey and R.A. Smith-Ainsley

In attendance for the applicant:

Mr Richard Taylor, Solicitor at Gosschalks representing the applicant
Mr Brian Minihane, Area Development Manager for William Hill

Representees:

Mr Mike Khan, owner of Valette Dry Cleaners at 11 Stainash Parade

In attendance for the local licensing authority:

Dawn Morrison, Licensing Manager
Reba Danson, Licensing Enforcement Officer

216/14 Application for a Premises Licence under the Gambling Act 2005 by William Hill Organization Ltd at 12 Stainash Parade, Kingston Road, Staines-upon-Thames TW18 1BB

The Chairman introduced members and officers present and welcomed everyone to this meeting.

The Chairman asked the applicant and the other parties to introduce themselves. He then explained the procedure to be followed at the hearing.

The Council's Licensing Enforcement Officer summarised the application which was set out in full in the report of the Assistant Chief Executive.

The hearing continued in accordance with the procedure.

The Applicant had emailed the Council with a brochure of documents in advance of the hearing. Hard copies were provided to the members of the Sub-Committee and the interested parties just prior to the hearing. This brochure which was referred to by the applicant's representative at the hearing included:

- Copy of Planning approval
- Illustrative internal layout plan of premises
- Schedule of proposed facilities
- Example of William Hill shop team training manual
- Example shop Notices
- Certificate of Social responsibility awarded to William Hill Organisation 2005

The Chairman offered the interested parties some time in which to read and consider the contents of the brochure. Mr Khan accepted this offer and the Applicant expressed no objection.

Resolved to adjourn the hearing for 20 minutes to allow the interested parties time in which to read the contents of the brochure submitted in hard copy by the applicant's representative at the hearing.

Upon reconvening, the hearing continued in accordance with the procedure.

Having heard the evidence presented, the Sub-Committee retired to consider and determine the application, having regard to the Gambling Commission Guidance and Spelthorne Borough Council's Statement of Licensing Policy..

Upon reconvening, the Chairman gave the Sub-Committee's summary decision.

The full decision with reasons would be notified to the applicant and other interested parties within five working days of the hearing.

Resolved that the application for a Betting (Other) Premises Licence at 12 Stainash Parade, Kingston Road, Staines-upon-Thames TW18 1BB be granted subject to the 12 mandatory conditions for betting (other) premises licence and the one default condition which states that: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day(as set out in full in the attached Decision Notice).

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

In accordance with the GAMBLING ACT 2005 s.164(2)

Date of Licensing Sub-Committee: 5 August 2014

Applicant: William Hill Organization Ltd

Premises: 12 Stainash Parade
Kingston Road
Staines-upon-Thames
TW18 1BB

Premises Licence type Betting (other)

REASON(S) FOR HEARING: Relevant representations received from interested parties on the grounds of a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime and b) protecting children and other vulnerable persons from being harmed or exploited by gambling.

DECISION Granted

With effect from 5 August 2014

REASONS FOR DECISION

Attendance

1. The following attended the Sub-Committee hearing this morning to make oral representations:
 - Richard Taylor, Partner at Gosschalks Solicitors representing the applicant
 - Brian Minihane, Development Manager for William Hill

Of the two interested parties who objected in writing to the application, the following appeared and spoke before the Sub-Committee.

- Mike Khan, owner and Director of the neighbouring business premises, Valette DryCleaners.

Evidence

2. The Licensing Sub-Committee has considered all of the representations and relevant evidence made available to it at this hearing and in doing so has had regard to the Gambling Commission's Guidance issued under the Gambling Act 2005 and Spelthorne Borough Council's Statement of Gambling Policy.
3. As well as the contents of the report of the Assistant Chief Executive and appendices, the Sub-Committee took into account the following information which was provided by the applicant at the hearing in support of the application:
 - Copy of Planning approval
 - Illustrative internal layout plan of premises
 - Schedule of proposed facilities
 - Example of William Hill shop team training manual
 - Example shop Notices
 - Certificate of Social responsibility awarded to William Hill Organisation 2005

Background to Application

4. The premises will occupy the ground floor of a unit, with an additional storey above which is in residential use. The unit forms part of a block of retail units in a local shopping parade. The parade is situated in a primarily residential area.
5. The unit is currently empty, with the last use being that of a charity shop.
6. A planning application to change the use of the premises from Class A1 (retail) to Class A2 (financial and professional services) was granted on 8 August 2013. Betting shops currently fall under this use class.
7. This application was received on 19 June 2014 and sent simultaneously to the responsible authorities by the applicant. A Notice of Application was placed at the premises and published in the Staines and Ashford News on 19 June 2014.
8. The application does not request exclusion of a default condition that determines the times the betting shop can operate. The default condition states that "no facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day".

Applicant

9. The applicant's representative, Mr Taylor, stated that William Hill had 2400 betting shops in the UK, all of which were in residential areas where children are likely to walk past the shops. Mr Taylor stated that in 50 years of gambling legislation, William Hill had never been prosecuted for allowing someone who was underage to bet. He said that this was down to the policies and procedures with which William Hill operated its premises.

10. Mr Taylor explained that William Hill was geared towards compliance with the legislation: it needs to hold an operator licence and this licence would be challenged if there were problems with underage persons using premises.
11. Mr Taylor commented that the absence of a representation from the Gambling Commission or any Responsible Authority suggested that these bodies were happy with the application. No representations had been made to suggest that the application was not in accordance with the Gambling Commission's Guidance or Codes of Practice or Spelthorne Borough Council's Statement of Gambling Policy.
12. He outlined the procedures that would be in place at this premises to promote the licensing objectives, including:
 - Gaming machines located where they could easily be seen and supervised by staff
 - Full internal CCTV coverage
 - Staff-safe system
 - Challenge 21 operating
 - No alcohol, smoking or under 18years on the premises
13. Mr Taylor detailed the extensive 6 month supervised training programme for all new members of staff and regular refresher training. He explained that daily reports were sent to the Gambling Commission on events in the premises.
14. He drew attention to the Certificate of Social Responsibility awarded to William Hill Organisation in 2005 and stated that their procedures were the subject of an annual audit by GamCare.
15. Mr Taylor advised that William Hill worked with the police to address any concerns but that there were no issues at the other premises owned by William Hill in Spelthorne Borough.
16. He confirmed that the application did not seek exclusion of the default condition on hours but that the actual opening hours would depend on the demand.
17. In response to a question, Mr Taylor advised that any customer causing a nuisance outside the premises would be instructed by the management that they were not allowed back in. He also confirmed that the premises would be insulated and sound proofed so there would be no noise issues for residents above the premises.

Interested parties

18. The Sub-Committee received written relevant representations from two interested parties. In summary the relevant concerns were as follows:

Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime

- An existing gambling shop on the Parade caused concern some years ago due to an increase in the crime rate, resulting in local businesses installing street cameras in the vicinity of the Parade.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- Children from the local secondary school walk along this Parade, to and from school
 - Young children and vulnerable people attend daytime clubs at the church adjacent to the premises
19. At the hearing Mr Khan stated that he owned the dry cleaning shop next door to the proposed premises but spent most of his time in his shop based in Windsor. He said that 10 years ago there had been incidents of crime outside the existing betting shop located on the opposite side of the road on The Broadway. As a result of the increase in crime the local businesses had paid for cameras to be installed on the street. He had no evidence of recent incidents of crime connected to the existing betting premises but believed that crime would increase if another betting shop was allowed to open.
20. Mr Khan stated that the Parade was in a residential area with a high concentration of families and it was a transport hub for several schools. The Parade was busy with mothers who had picked children up from the nearby Preparatory school and schoolchildren from the local secondary school walked past daily. He was also concerned for the people attending a vulnerable adult centre at the church opposite and the children attending a pre-school who played in the church grounds where needles had been found in the past.
21. Mr Khan stated that in view of the fact that there were families living in the flats above the shops, the opening hour of 10pm was unreasonable, as there was the potential for noise from the premises late at night.
22. Mr Khan expressed his concerns at the prospect of noise, drunkenness and drug dealing occurring in the vicinity of the proposed betting shop.
23. Mr Khan believed there was a link between people who gambled and those suffering from alcohol and drug related problems. He also believed that money laundering took place at gambling premises. He cited a Gambling Commission report on test purchases from 2013 which found major weaknesses in underage gambling controls in 29 out of 54 betting and adult gaming centres tested.
24. In summary, Mr Khan expressed serious concerns that the premises would have a negative impact on his business and local residents.

Findings

25. The Sub-Committee has considered the representations made by the applicant and the interested parties in their written representations and at this hearing, and finds as follows:
26. The Sub-Committee noted that the interested parties had raised the fact of there already being a Betting premises on the parade. However, in accordance with section 153(2) of the Gambling Act, it could not have regard to the expected demand for gambling.

27. The Sub-Committee also noted the concerns raised in written representations on the issue of parking congestion. It was unable to take this into account as parking is not relevant to the licensing objectives.
28. The Sub-Committee considered the representations of the interested parties in relation to the effect of the premises on alcohol/drug related disorder, crime and loitering of patrons outside the proposed premises. It finds that there is insufficient evidence to support the assertion that the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime would be undermined. In coming to this decision the Sub-Committee also took into account that there had been no representations submitted by Surrey Police regarding crime and disorder in respect of the application by William Hill for a premises licence.
29. The Sub-Committee considered the representations of the interested parties in relation to the effect of the premises on:
- Children attending a nursery at the church located opposite the premises
 - Young children with their parents/adult carer attending a group at the church
 - Secondary School children passing the premises on their way to and from school
 - Families living in the local area
 - Adults with mental health issues attending a fellowship on the church premises
30. The Sub-Committee finds that there is insufficient evidence to support the assertion made by the interested parties that the licensing objective on protecting children and other vulnerable persons from being harmed or exploited by gambling would be undermined. The Sub-Committee, in coming to this decision, was satisfied with the measures proposed by the applicant to safeguard passing schoolchildren and vulnerable adults from being exploited by the activities at the premises.
31. Further, the Sub-Committee could not consider moral objections to gambling as they are not a valid reason for rejecting an application for a premises licence.
32. The Sub-Committee was aware that the Gambling Act does not include as a specific licensing objective the prevention of public nuisance and issues of public nuisance could therefore not be taken into account by the Sub-Committee in reaching its decision.
33. Each application made under the Gambling Act 2005 is treated on its own merits. The Sub-Committee is satisfied that the applicant will run the premises:
- In accordance with any relevant code of practice
 - In accordance with Gambling Commission guidance
 - In accordance with Spelthorne's Statement of Gambling Policy
 - And that it will be reasonably consistent with the licensing objectives of the Gambling Act 2005

Decision

34. The Sub-Committee has decided to grant the application for a Premises Licence subject to the 12 mandatory conditions for betting (other) premises licence and the one

default condition which states that: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

35. The Sub-Committee did not consider it appropriate or proportionate to impose any further conditions to the premises licence.
36. This decision will be communicated to all concerned within 5 working days of the date of this hearing.

Date of Decision: 5 August 2014
Date of Issue: 11 August 2014

Councillor R.W. Sider (Chairman)
Councillor I.T.E. Harvey
Councillor R.A. Smith-Ainsley

RIGHT TO APPEAL

You have a right to appeal this decision to Staines Magistrates' Court, within 21 days of receipt of this Notice of Decision. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates Court which runs the administration for the courts in Surrey. You should allow sufficient time for your payment of the relevant appeal fee to be processed. For queries, Guildford Magistrates Court can be contacted on 01483 405 300