

LICENSING SUB-COMMITTEE C

A meeting of the Licensing Sub-Committee C was held on 15 May 2012.

PRESENT: Councillors Taylor (Chair); Councillors Arundale and P Sharrocks.

ALSO IN ATTENDANCE: G Dalzell – National Licensing Officer - Ladbrokes
Rhianna Daniels – Applicant’s Legal Representative
Councillors Davison and Mawston
Mr Walker - Objector on behalf of Dr Keen

OFFICERS: B Carr, C Cunningham, J Hodgson and K Metcalfe.

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point of the meeting.α

11/1029 **GAMBLING ACT 2005 – APPLICATION FOR PREMISES LICENCE – BETTING (OTHER) PREMISES: LADBROKES BETTING AND GAMING LTD, UNIT 20 MARTON SHOPPING CENTRE, STOKESLEY ROAD, MIDDLESBROUGH: REF NO: MBRO/GPR0056.**

A report of the Assistant Director Community Protection had been circulated outlining an application for a Premises Licence – Betting (Other) in relation to Ladbrokes, Unit 20 Marton Shopping Centre, Stokesley Road, Middlesbrough, Ref No: MBRO/GPRO056.

Summary of proposed Licensable Activities and Licensing Hours

7.00am – 10.00pm – Daily – as per Default Conditions

Full details of the application were reproduced at Appendix 1 to the submitted report.

The Chair introduced those present and outlined the procedure to be followed at the meeting. The applicant’s legal representative confirmed that copies of the report and Regulation 6 Notice had been received. It was highlighted that additional information from Dr Keen and the applicant had been circulated to all parties on 8 May 2012 and Members agreed to consider the additional information.

Details of the Application

The Principal Licensing Officer presented the report in respect of an application for a Premises Licence , – Betting (Other) received on 8 March 2012 in relation to Ladbrokes, Unit 20 Marton Shopping Centre, Stokesley Road, Middlesbrough, Ref No: MBRO/GPRO056 as outlined above.

Details of representations on the grounds of the protecting children and other vulnerable persons from being harmed or exploited by gambling objective received from Dr Keen, a local resident on 3 April 2012 (attached at Appendix 2), were circulated with the submitted report. A representation on behalf of Councillor Davison and Mawston, the Marton Ward Councillors (attached at Appendix 3 to the report) on the grounds of the protecting children and other vulnerable persons from being harmed or exploited by gambling objective was also received on 3 April 2012. On 3 April 2012 a further representation was received from A L Rigg, Secretary of Marton Community Council (attached at Appendix 4 to the report) on the grounds of the protecting children and other vulnerable persons from being harmed or exploited by gambling objective

No objections to the application had been received from the Responsible Authorities.

Applicant in Attendance

The applicant's legal representative presented the case in support of the application. The legal representative advised that when considering the application, Members had to be satisfied that the application was reasonably consistent with all the licensing objectives. The Guidance was quite specific about the prevention of people entering the premises and gambling in that it did not relate to people walking past the premises.

The applicant's legal representative advised that all applicant's for a Premises Licence – Betting (Other) were required to hold an operating licence from the Gambling Commission before the premises could be issued with a licence and licensing authorities were not therefore required to investigate the suitability of an applicant.

Reference was made to Page 11 – 18 of the applicant's supporting documentation in relation to the company's Think 21 Procedure and the posters which would be placed on the entrance door to the premises advising that nobody under the age of 18 would be allowed to enter the premises. Members were advised that the premises would operate a Think 21 procedure which was an age verification process which required any person who appeared to be under the age of 21 to produce proof of their age in the form of a photo driving licence, a current passport or an ID that contained the PASS hologram. All refusals of entry would be recorded in an under 21 refusals book.

Members were advised that the Ladbrokes staff received regular training in relation to the Think 21 procedure and disciplinary action would be taken against any member of staff who failed to apply the company's underage policies. Members were advised that the Regional Manager was required to hold a personal licence and he would be liable for any underage gambling that occurred.

The applicant's legal representative acknowledged the work that Dr Keen had carried out in relation to the background research on underage gambling however the legal representative highlighted that although the research was helpful and informative, it did not affect this particular application.

The applicant's legal representative referred to the Gambling Commission article contained within Dr Keen's statement. Members were advised that the article was published over 3 years ago and as a result of the findings detailed in the article, Ladbrokes had introduced the Think 21 procedure. Members were advised that in a Gambling Commission nationwide Test Purchase visits survey, Ladbrokes had been top of all the other gambling premises in the number of refusals.

It was highlighted by the applicant's legal representative that there had not been any objections from the Police, the Gambling Commission or the local authority's Children's Services Department. Members were advised that there was no evidence to prove that the Ladbrokes premises would cause a problem.

Reference was made to the petition which had been submitted which contained over 200 signatures. Members were advised that some of the people who had signed the petition did not live sufficiently close enough to the premises to be affected by the granting of the licence and some of the signatory's had not provided an address. The legal representative advised that the heading on the petition was misleading and did not specifically refer to the licensing objectives. It was also unclear whether the average person who signed the petition would understand in legal terms what the paragraph from the Gambling Commission meant.

Members were advised that Ladbrokes had taken on board the research provided when it introduced the Think 21 Procedure. It was highlighted that Ladbrokes worked closely with GamCare and the company had played a leading role in the drafting of the Code of Social responsibility for Licensed Betting Offices. Ladbrokes offered their customers the facility to self-exclude and they included awareness of indicators of problem gambling within their training programme.

Members were advised that customer leaflets on staying in control and responsible gambling

would be displayed around the premises. In relation to the prevention of crime, the premises would have 24 hour CCTV cameras throughout the shop which would give good visibility from the counter to the door to enable the staff to observe who was entering the premises and a magnetic lock would be fitted to the door which the staff could operate in an emergency.

Members were advised that in determining whether to grant the premises licence the authority could not consider the expected demand for the facilities that the premises proposed to provide. Similarly the legal representative pointed out that if the location of the premises had been a problem it would have been identified within the Licensing Authority Statement of Policy.

The applicant's legal representative advised that there was no evidence to suggest that there was a problem with underage gambling in the Marton area. Members were advised that their obligation under section 153(1) was to permit the use of the premises as long as it was in accordance with the relevant codes of practice and guidance issued by the Gambling Commission; it was reasonably consistent with the licensing objectives and in accordance with the Licensing authority's Statement of Principles.

Mr Walker advised that Dr Keen had found evidence in 2009 which indicated that 98 out of 100 betting shops had allowed a 17 year old to place a bet. The legal representative advised that following that report, Ladbrokes introduced the Think 21 Policy and the staff policy in relation to accountability. It was also highlighted that the results of the Gambling test purchasing survey had been published 7 months after the article referred to above which placed Ladbrokes as the best betting establishment for passing the Commissions test purchases.

The applicant's legal representative pointed out that Ladbrokes had never had a licence revoked and had never been summoned to appear before a Licensing Committee and it operated over 200 betting shops.

Mr Walker referred to the signs in the betting shops advertising betting. The legal representative advised that the signs covered up the windows so that the fruit machines and televisions were obscured from view. It was highlighted that there was no legal requirements under the Gambling Act in terms of advertising. Members were advised that staff had to be able to see outside for crime issues to alert them of the requirement to use the magnetic lock

Mr Walker advised that there was no demand for the Ladbrokes shop as there was already a William Hills betting shop on the shopping parade. Members were advised that demand for the premises was not a material consideration. Mr Walker referred to the petition and advised that over 200 signatures had been collected in just 5 days.

The legal representative advised that Ladbrokes were investing a lot of money into the shop because they considered that there was a demand.

Councillor Mawston stated that if demand was not an issue what had lead the applicant to look at Marton shops. The applicant's legal representative advised that in the applicant's view there was a demand for the premises. It was highlighted that there was 63 car parking spaces in the shopping parade, it was a very vibrant shopping centre and most of the retailers remained open until 11pm and the applicant anticipated that the premises would be profitable.

Councillor Davison asked the applicant if the leaflets that were displayed in the shop could be of better quality than those produced in the applicant's supporting information. Councillor Mawston asked if the leaflets would be in an area all together. Members were advised that the posters would be displayed on the door and the windows and the staff working at the premises would point out the leaflets to vulnerable gamblers.

A member queried whether the door to the premises would remain closed. Members were advised that the door would remain closed to prevent children from looking into the premises. It was highlighted that some of the fruit machines would be located in booths to restrict them from view.

With regards to the CCTV cameras, Members were advised that they would be pointed at the staff counter, the fruit machines and the door.

Mr Walker pointed out that there was no evidence presented that proved that the behaviour of children would not be influenced by betting shops in close proximity to their school or places that young people gathered. The shops were an area where young people gathered and children passed on their way to school. There were also a number of primary schools located in close proximity to the premises. Reference was made to the evidence that had been submitted to the Commons Select Committee in relation to concerns about protecting young and vulnerable persons from harm and exploitation by gambling. Mr Walker requested that the Committee reject the application on the grounds of protecting children and other vulnerable persons from being harmed or exploited by gambling.

Councillor Mawston stated that he was not against gambling although it did present dangers to some people. The William Hill shop was tucked away in a corner away from the thoroughfare and people who visited the shop were making a predetermined visit. The Ladbrokes premises were situated on a main thoroughfare and the shopping centre was used by Nunthorpe and Stokesley School as well as children from the primary schools. Councillor Mawston highlighted that many of the people who had signed Dr Keen's petition did live in the area or visited Marton shops. As a Ward Councillor, nobody had approached Councillor Mawston to request a new betting shop and the Ladbrokes premises were not providing anything new, just a further opportunity to gamble.

It was highlighted that youths congregated near the pharmacist and post office and it had been designated as an anti social behaviour hot spot by the Police and Community Council. The shops that remained open until late did have problems but the area did have good policing. Councillor Mawston also pointed out that there was an ATM machine situated right next to the premises which could be difficult for vulnerable gamblers. Councillor Mawston referred to the availability of gambling by smartphone and queried whether there was a requirement for another betting shop.

Councillor Davison advised that as Ward Councillor and Chair of Marton Community Council she wanted to point out that the area was used by children and young people from a young age. There had been problems in the past with children running in and out of the shops. The change of use from fruit and vegetable retail shop to a betting shop could lead to a loss of diversity and vitality. The shopping parade was used by the elderly of the community for shopping.

Summing Up

Councillor Mawston and Councillor Davison

Councillor Mawston and Councillor Davison reiterated their previous concerns and requested that the Committee refuse the application.

Mr Walker

Mr Walker asked the Committee to take into consideration the proposed location of the shop and its location to the primary schools. He highlighted that there was over 1946 children in 7 schools in a one mile radius of the shop and there was 391 children attending Captain Cook School.

The applicant's legal representative

The applicant's legal representative referred to the issue that had been raised with regard to the William Hill shop being located in the corner of the precinct. The fact that the Ladbrokes shop was located in a prominent position could act as a deterrent for young people entering the shop.

The premises intended to have a strong management and the children would learn that running in and out of the shop would not be tolerated. Ladbrokes also intended to work with

the Police and the local community. Members were advised that they could not consider social or moral issues, they had to be satisfied that the application was consistent with the licensing objectives and Section 153 of the Gambling Act 2005. The applicant's legal representative confirmed that the application did satisfy the licensing objectives and she requested that Members grant the application.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and the Members Office, withdrew whilst the Committee determined the application.

Members required further clarification regarding the proposed location of the CCTV cameras and they requested a copy of the Gambling Commission article regarding the test purchasing visits and as a consequence all parties were called back into the room.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and the Members Office, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

Decision

That the Application for a Premises Licence – Betting (Other) Premises in respect of Ladbrokes Betting and Gaming Ltd, Unit 20 Marton Shopping Centre, Stokesley Road, Middlesbrough, Ref No: MBRO/GPR0056 be granted for the following reasons:-

1. The Committee considered that the application was reasonably consistent with the licensing objectives and in accordance with the Codes of Practice, the Gambling Commission Guidance and Middlesbrough Council's Statement of Principles.
2. Following a mystery shopping report by the Gambling Commission in 2009, 98 out of 100 betting shops visited, allowed a 17 year old to place a bet. Ladbrokes confirmed that following the report they had implemented the Think 21 Policy with staff training and the display of prominent notices in entranceways to premises. In a subsequent Gambling Commission Under 18 test purchase, Ladbrokes had achieved the best results out of all the other betting operators. The Committee considered that the implementation of Think 21 at the premises would prevent children from taking part in gambling.
3. The applicant confirmed that CCTV would be installed at the premises covering the entranceway of the shop which would enable staff to prevent children from entering the premises.
4. The applicant stated that the gaming machines would not be positioned near the windows and would be obscured from view by advertising so as not to entice children to enter the premises.
5. The Committee considered that there was a lack of evidence to show that the premises would add to any disorder in the area.
6. Although the Committee recognised the concerns raised by the interested parties, Ladbrokes had conformed to the requirements of the Gambling Act 2005 to operate a betting shop at this location.

In reaching the above decision Members had considered the following:-

1. The application was considered on its own merits, taking into account the licensing objectives of the protection of children and other vulnerable persons from being harmed or exploited by gambling and the preventing gambling from being a source of crime and disorder, being associated with disorder or being used to support crime.
2. Consideration was given to the Gambling Commission Guidance and Codes of Practice

and Middlesbrough Council's Statement of Principles.

3. Consideration was given to the case made by the Applicant and the Interested Parties.

The Chair advised the interested parties of the right to appeal to the Magistrates Court within 21 days of the date of the decision.