

LICENSING (GAMBLING) SUB-COMMITTEE

10 September 2007

Attendance:

Councillors:

Mather (Chairman) (P)

Howell (P)

Izard (P)

Others in Attendance who addressed the meeting:

Councillor Spender

Others in Attendance who did not address the meeting:

Councillor Jackson

Officers in Attendance:

Mr H Bone (Head of Legal Services)

Mr J Myall (Licensing and Registration Manager)

Ms C Stefanczuk (Assistant Licensing and Registration Officer)

1. **CORAL RACING LTD, 57 STONEY LANE, WEEKE**
(Report LR243 refers)

The Sub-Committee met to consider an application by Coral Racing Ltd for the grant of a Provisional Statement under Section 204 of the Gambling Act 2005.

Present at the meeting were Mr Phillip Day (Legal Representative for Coral Racing Limited), Mr John Magee (Senior Development Manager for Coral) and Mr Dave Willis (Coral Representative). Revd Terry Roberts, Mrs Stella Roberts and Revd Kate Cambridge were also present as Interested Parties, as were seven members of the public who came to observe the meeting.

Mr Myall presented the application as set out in the Report. He explained that the application was for a Provisional Statement for the use of premises (currently a video hire shop) as a betting shop. If granted, the Provisional Statement would enable the applicant to apply for and be granted a Premises Licence under the Gambling Act 2005. No representations had been received from any of the Responsible Authorities, although a number of representations had been received from Interested Parties. Eight of those representations were relevant and were mainly concerned with the protection of children and vulnerable persons from harm or exploitation by gambling. He continued that the applicant had attempted to allay these fears by writing to all the Interested Parties, enclosing a document setting out their policies and procedures.

Mr Myall concluded by stating that, should the application be granted, the applicant might then at a later date apply for a Premises Licence which would have to be granted with the terms and conditions in the Provisional Statement. No representations could be considered at that stage, unless they concerned matters that had not previously been addressed, or the premises had been altered other than in accordance with the plan and information contained in this application.

Mr Day spoke in support of the application. He began by addressing the three Licensing Objectives and outlined Coral Racing Ltd's policies for dealing with any potential issues that could arise. He confirmed that an Operator's Licence had been obtained from the Gambling Commission for this premises and that Coral was respected in the industry for operating in a fair and open way. No persons under the age of 18 years would be allowed on the premises and this would be clearly advertised throughout the shop, including the front windows. Coral operated a similar system to the "Challenge 21" scheme, where customers appearing to be under 21 years of age would be challenged for ID to prove that they were over 18.

Staff would also be trained to monitor the betting habits of customers and records would be kept, in order to identify those customers that had an addiction. Coral had been accredited by GamCare, a charity funded by the industry to help people in difficulties with their gambling. Leaflets and information on where to gain help from would also be readily available in the shop.

Mr Day concluded that the site was suitable for a licensed betting office and that it would provide customers with a safe place to gamble.

Responding to questions from the Sub-Committee, Mr Magee confirmed that the opening hours would be less than the hours permitted under the Gambling Act 2005. These hours would be monitored and slight changes could be made to them, depending on customer demand. He added that the hours would be the same as other Coral shops nationally. Mr Magee described the type of advertising the shop would have in its window displays and explained that, in his experience, betting shops did not tend to attract young people in the same way that alcohol outlets did. Mr Day added that the applicant was happy to install additional CCTV cameras to cover the outside of the premises, in order that staff could monitor any activity.

Mr Magee, responding to questions from the Interested Parties, confirmed that the premises would not be looking to actively encourage customers from outside the Weeke area, as most people would use whichever shop was the most convenient to them. He acknowledged that there may be some passing trade.

Revd Roberts then spoke, opposing the application. He stated that he did not feel Coral had taken into account the impact that the shop could have on the local community and that, although they offered help for addiction, this was only available for those people that went into the premises. There was a fear that this would set a precedent for other small shopping parades in Winchester, should this application be granted. Revd Roberts continued that there were a number of schools in the local area and that children and young people regularly walked past the shops on their daily route to and from the schools. There was already concern about the large numbers of young people congregating in the area and it was felt that a shop of this nature would only exacerbate this problem.

Mrs Roberts also spoke against the application. Her main concerns were that families on low incomes in the area would feel tempted to gamble and that the mere presence of the shop would encourage people to bet. She requested that the Sub-Committee consider the number of families in the area, as well as the number of elderly people in sheltered housing in close proximity to the proposed premises.

Revd Cambridge added to the above representations, voicing her concerns about the appropriateness of the application and its location. In addition to the schools and elderly accommodation nearby, there was also accommodation for adults with learning difficulties, who may be tempted into the shop. She continued that this location would also make it easier for people in the area with addictions to gamble, as

they did not have to make the journey into the town centre. Revd Cambridge concluded by stating that she did not feel that it would be promoting responsible gambling by granting this application and that preventing people entering the premises did not remove the influence.

Mr Myall summarised by stating that he was not aware of any problems with young people attempting to gamble illegally or asking adults to place bets for them. He added that granting this application would not set a precedent for other similar sites, as each application had to be considered on its own merits.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made by Interested Parties. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

RESOLVED:

That the application be granted, subject to:

Mandatory conditions attaching to betting premises licences (other than track premises licences)

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. (1) Access to the premises shall be from a street or from other premises with a betting premises licence.

(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.

3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

(a) communicating information about, or coverage of, sporting events, including—

(i) information relating to betting on such an event; and

(ii) any other matter or information, including an advertisement, which is incidental to such an event;

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Default conditions attaching to betting premises licences (other than in respect of tracks)

No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

Additional Conditions

1. CCTV shall be installed to cover the exterior of the Premises, and shall be monitored and maintained to the satisfaction of the Licensing Authority.

2. A notice shall be placed in the front window of the Premises (the wording of which shall be agreed with the Licensing and Registration Manager) setting out contact details for suitable agencies which assist vulnerable persons who may have a gambling problem.

Reasons for Decision: The Sub-Committee was satisfied that the applicant had in place responsible policies and procedures to protect children and vulnerable persons from being harmed or exploited by gambling. There was no evidence that a shop in this location would lead to children being drawn into gambling.

The meeting commenced at 9.30am and concluded at 11.15am.

Chairman