

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall on 20 March 2023 commencing at 10.45 am.

Present: Councillor Mrs Jessie Milne (Chairman)
Councillor Paul Howitt-Cowan
Councillor Mrs Angela Lawrence

In Attendance:
Tracy Gavins Licensing Enforcement Officer
Kimble Enderby Senior Licensing and Community Safety Officer
Andy Gray Housing & Environmental Enforcement Manager
Ele Snow Senior Democratic and Civic Officer
Martha Rees Legal Advisor

Mr Owen Solicitor for the Applicant

Wendy Osgodby Representing Interested Party

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Senior Democratic and Civic Officer opened the meeting and asked for nominations for Chairman. It was

RESOLVED that Councillor Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

2 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

3 PROCEDURE

The Legal Adviser for West Lindsey District Council outlined the procedure to all present, as set out within the meeting papers and as circulated ahead of the meeting.

4 NOTE:

As detailed on the meeting agenda, it was highlighted that this Licensing Authority would only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place would be substituted by another Member. In the event of this substitution taking place, all parties would be informed of the change of membership at the beginning of the Hearing. It was confirmed that all Members were present as detailed on the agenda.

It was further highlighted that all Members of the Panel must remain in the Chamber at all times during the course of the Hearing.

5 LICENCE HEARING - APPENDIX 6 A-C ADDITIONAL INFORMATION FROM APPLICANT

Hearing Type: Application for a Betting Premises Licence under the Gambling Act 2005

Applicant: Done Brothers (Cash Betting) trading as BETFRED

Operating Licence Number 000-001058-N-102469-001.

Premises: 11 Market Place, Gainsborough, Lincolnshire, DN21 2BP

Ward Location: Gainsborough South-West Ward

The Senior Licensing Officer outlined the application for consideration, as detailed above. It was explained that all required documents had been provided with the application, and the application was correctly served on all responsible authorities. The application was advertised in accordance with the standard procedures required by the Gambling Act 2005 and consulted for the required 28-day consultation period. There were no representations received from Responsible Authorities. There was one representation received from an interested party. The Licensing Objectives and Principles to be Applied were highlighted to Members, as were the options available to them. It was noted that additional information submitted after the publication of papers, had been circulated to all parties.

The Solicitor for the Applicant was invited to make his presentation. Mr Owen set out the areas he wished to address within his presentation and thanked the Members of the Sub-Committee for allowing him fair hearing. The following points were expressed:

- Principles to be applied – Mr Owen highlighted that the applicant had been in a licenced premise for 25 years. The proposal was not a threat to the licensing objectives as there would be no increase in premises and it was not unusual to move location. In this case the move was a difference of 75meters.
- Relocation – Mr Owen explained the new licence would not be enacted until the previous premise had closed. He highlighted this was a matter of relocation, not of an additional premises.
- Crime – Mr Owen highlighted that instances of crime in the area had not been related to the licensed premises and as such, there was no evidence that the relocated premises would have any impact on levels of crime in the area.
- Children being protected – it was further highlighted that there was a ‘Challenge 21’ principle in place, meaning that even those who were aged over 18 and therefore legal to bet could be challenged if they appeared to be under 21. Mr Owen highlighted there had been no issues raised in relation to the existing licence and, as a relocation of premises, it was reasonable to assume this was not an area of concern.
- Clustering – Reiterating that this was a proposed relocation and not a new premises, Mr Owen suggested that clustering was a moot point. The new licence would not be enacted until the previous location had closed.

- Shop front – it was suggested that there was a misunderstanding regarding the proposed frontage to the new premises, in that the applicant was content to work with the Council to achieve the most acceptable frontage. Mr Owen noted that the premises would be required to adhere to the parameters issued by the Advertising Standards Authority (ASA).
- Reason of relocation – it was stated that other businesses on the same street were closing and relocating to other premises, much the same as this proposed application was attempting to do. It was important for any business to go where the footfall would maximise opportunity.
- Proposed conditions – Mr Owen provided examples of where the proposed conditions would be realistic or otherwise, for example highlighted the agreed use of frosted glass, as well as stating it would not be in the purview of a business to manage individuals drinking alcohol in the surrounding areas.

Mr Owen was thanked for his detailed presentation. There were no questions from the objectors.

In response to questions from Members, it was confirmed that the shop frontage would be subject to planning regulations, with the intention being for it to be in keeping with the area. It was recognised that online betting was overtaking shop betting as the preferred option for many, however the company was committed to providing that in person service to those who wished to use it. It was acknowledged that demand for betting shops was diminishing, however was still there. Members enquired as to the specifics of the maximum spends and how that was regulated, to which it was explained that the maximum stake was £100 although customer interactions regarding possible concerns was based on level of loss as opposed to amount being played. It was highlighted that the company operated within the thresholds in accordance with the Gambling Commission.

The objectors were given the opportunity to present their case. It was confirmed they had nothing further to add from the statement provided in the report. There were no questions from the applicant.

In response to a question from Members, it was confirmed that no specifics of gambling related crime were provided.

The Legal Adviser enquired as to whether the applicant wished for conditions two, six and seven to be included, to which it was confirmed this would be at the discretion of the Sub-Committee.

With no further questions or comments, Members of the Sub-Committee retired to deliberate.

Note: The meeting was adjourned at 12.07pm and reconvened at 1.09pm

On returning to the Chamber, the Chairman thanked all for their attendance and representations. The Legal Adviser read aloud the Decision Notice and it was

RESOLVED that the application be granted as set out in the Decision Notice.

There was the right of appeal of this decision to the Magistrates Court within 21 days of receipt of notice of the decision.

The meeting concluded at 1.13 pm.

Chairman