

LICENSING PANEL SUB-COMMITTEES

THURSDAY, 26 APRIL 2018

PRESENT: Councillors David Hilton, Sayonara Luxton and Derek Wilson

Officers: Anthony Lenaghan, Katia Russo, Steve Smith and Shilpa Manek

Also in attendance: Matthew Parrish (Applicant)

APPOINTMENT OF CHAIRMAN

RESOLVED UNANIMOUSLY: That Councillor Luxton be appointed Chairman for the duration of the meeting.

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Sharp. Councillor Derek Wilson substituted.

APOLOGIES FOR ABSENCE

There were no declarations of interest received.

CONSIDERATION OF APPLICATION UNDER THE GAMBLING ACT 2005 – APPLICATION TO VARY A LICENSED PREMISES MACHINE PERMIT

The Chairman welcomed all the parties to the meeting, introduced the Sub-Committee Members and explained the procedure, which all indicated they understood.

Licensing Officer

The Council's Licensing Officer, Steve Smith, introduced the application for Members to consider. Steve Smith explained that the application related to a variation of an existing licensed premises gaming machine permit, under the Gambling Act 2005, at The Bear, 8-10 High Street, Maidenhead, SL6 1QJ. The existing permit allowed for 4 category C machines. A category C machine is one that has a maximum stake of £1 and a maximum prize of £100.00. Members' policy was to delegate to officers to issue permits for up to 4 machines. For more than this, applications were referred to the Sub-Committee.

The Licensing Officer explained that the premises was large and the new machine would be in good line of site from the bar.

Members were told that no objections to the application had been received and the licensing team had experienced no issues with the premises, either from a licensing or gambling perspective. The Licensing Officer informed the Sub-Committee that they must have regard to the four Licensing Objectives and the Council's policy. He informed the Sub-Committee that the options open to them were to either allow or refuse the whole of the application.

Questions to the Licensing Officer

The Licensing Officer was asked what constituted "fair" in gambling. He explained that the machines were in line of view from the bar and not next to a cash machine.

The Licensing Officer was asked if the owner could change the odds. He explained that the odds were fixed and set by the game.

The Licensing Officer was asked how the age of users was checked. He explained that there had been no reported issues for this premises. Any underage users were challenged and the borough carried out annual checks.

Applicant's case

Mr Parrish, the area manager for Wetherspoons, explained that the application was for a new Category C machine to be installed due to increased demand. The premises had an experienced manager with an experienced team working with her. The manager and staff worked very closely with the licensing team.

Mr Parrish told the Sub-Committee that Wetherspoons operated a strict Challenge 21 Policy, and that all new staff were trained in this in at their induction training and received yearly training. He stated that all incidents of a customer being challenged under the policy were recorded, before being reviewed on a weekly basis.

Questions to the Applicant

Mr Parrish was asked about the door people checking age proof in certain hours, what happened outside those hours? He explained that staff challenged people who looked underage. All incidents were logged onto the till system with reasons and this log was reviewed weekly by the management team. The company used mystery shoppers from an external company.

Mr Parrish was asked if there had been any incidents with the gambling machines. He explained that there had been no incidents with the gambling machines last year. The machines were all in view from the bar and all staff were fully trained.

Mr Parrish was asked why the CCTV cameras had been installed. Mr Parrish explained that the CCTV camera were used as a deterrent of crime but for review too.

Mr Parrish was asked where all staff records were held. Mr Parrish explained that all staff records were held online so they could be checked at any time.

Mr Parrish was asked who the named person was on the licence. Mr Parrish explained that the DPS looked after both licenses.

In response to questions Mr Parrish confirmed there were no laws governing excessive use of gambling machines. He said prompts advising customers of gambling helplines were generated by the machine if a user had spent a certain amount of time, or inserted a certain amount of money, into it. He also said that staff were trained to advise customers when to stop using the machines; however this was not legally enforceable.

Applicant's Summary

The applicant reiterated that Wetherspoons' policies relating to gambling and gambling education were very in-depth, and that the new machine was in clear sight for staff at the bar. He confirmed that he had said all that he wanted to say.

Licensing Officer's Summary

The Licensing Officer stated his belief that the management of the premises was exceptional, and that no concerns on any licensing or gambling matters had ever been brought to the attention of the licensing team. He stated that the management ran a tight ship in record keeping and training. The CCTV was a condition on the premises license.

Decision

After careful consideration the Sub-Committee agreed to vary the Licensed Premises Gaming Machine Permit, to allow the use of five Category C gaming machines.

The Sub-Committee noted that the premises were spread over two floors, with all gaming machines on the ground floor. It was accepted that the gaming machines could be well seen from the bar area, and that the premises had a good record in that no concerns had ever been raised in relation to gambling. The applicant's gambling policies were very robust, as well as the operation of the Challenge 21 policy. For these reasons the Sub-Committee agreed to the variation.

In making their decision, the Sub-Committee also had regard to national guidance and the Council's own Licensing Policy.

RESOLVED UNANIMOUSLY: That the Licensed Premises Gaming Machine Permit be varied to allow the use of five Category C gaming machines.

The meeting, which began at 2.00 pm, finished at 3.30 pm

CHAIRMAN.....

DATE.....