

# M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **19 JUNE 2013**

**PRESENT:-**

Councillors Bishan Dass (Chair), Alan Bolshaw and Neville Patten

**IN ATTENDANCE:-**

N Gilchrist	-	Legal Counsel for Licensing Authority
L Banbury	-	Democratic Support Officer, Delivery
S Hardwick	-	Senior Solicitor
J Till	-	Licensing Officer

**Wolverhampton**  
City Council



**PART I – OPEN ITEMS**

**Licensing Act 2003 – Application for a Small Casino Licence  
Rubicon Casino, 56-58 Temple Street, Wolverhampton  
(Appendix 8)**

23.

In Attendance  
For the Premises

P Adkins, A Ballard                    -            Sydney Mitchell Solicitors  
& J Bourne  
P Kolvin                                    -            Legal Counsel

Objectors

K Bourne-Genner  
D & D Doughty  
I Jones – Legal Representative for the All Nations Church  
M & R Kaul  
K H Ong  
C Price  
J Singh  
P Sofroniou  
D & S Takura  
A Wrighton  
S Uppal – All Nations Church

The Chair introduced the parties. He confirmed that there were no declarations of interest on behalf of the Sub-Committee Members. He advised that P Kolvin had provided legal training in regard to the provisions of the Gambling Act 2005 for Wolverhampton Councillors. However, P Kolvin had not spoken to the Sub-Committee about the application being considered today, other than at the meeting held on 29 April 2013 when they considered only issues of law in relation to the validity of the application prior to this full hearing. The Legal Representative for the All Nations Church indicated that, as the Sub-Committee had their own independent legal adviser, he was content with the explanation and for the proceedings to continue.

The Licensing Officer briefly outlined the report submitted to the meeting and circulated to all parties in advance. The Licensing Authority had received 106 representations before the end of the consultation period. Licensing Services had considered each representation and the Officer confirmed that only the following were bonified interested parties:

- Poppleston Allen Solicitors on Behalf of Wolverhampton Racecourse Ltd
- Jesse Tuffour
- Melonie Tuffour
- Tracey Jayne Simpson
- Makesh Kaul
- Sarah Kaul

- Dr Cherk-yun-liu
- Kamlesh Kaur
- Reena Lal

N Gilchrist advised that Dawn Doughty appeared on the original list, but it had since been ascertained that she had made her objection on her own behalf and not in respect of a local business; the objection was not therefore deemed relevant. An additional relevant representation, not included in the above list, had been received from Brian and Sheila Lowe and was included in the bundle to be considered by the Sub-Committee. Only those named, or who were calling people on their behalf, would be allowed to address the Sub-Committee. The legal representative for the All Nations Church advised that he would be in a position to represent those mentioned who were part of the Church but not in attendance. It was further noted that Poppleston Allen Solicitors had indicated in advance of the meeting that they would not be in attendance.

At this juncture, P Kolvin submitted the application on behalf of Casino 36. He drew attention to section 3.2 of the Licensing Officer's report, which indicated that in making decisions at stage 1, the authority shall permit the use of gambling premises in so far as the authority think it is:

- I. In accordance with any relevant code of practice issued by the Commission;
- II. In accordance with any relevant guidance issued by the Commission;
- III. Reasonably consistent with the licensing objectives (subject to the above), and
- IV. In accordance with the authority's Statement of Gambling Policy (the Statement) under the Act (subject to all of the above).

P Kolvin stated that the application complied with I, II and IV above and that the only question to be considered was consistency with the licensing objectives. He indicated that a casino had been in existence in Temple Street since 2004 and in the ownership of his client since 2009. Notwithstanding the decision made today, the casino would remain. There had been no complaints raised in respect of the current business since 2009 and in regard to the application being considered today, there had been no objections from the Licensing Authority, Police, Child Protection Authority or Gambling Commission. The casino did not admit children and operated a 'Challenge 21' policy. He further advised that his client had held a combined operating licence since April 2013. He also produced at the meeting a Certificate of Social Responsibility received from GamCare and advised that the management, entry procedures, gambling policies, operating schedule, stakes and prizes and games would remain the same. Should the Small Casino Licence be granted, the only change would be to the size of the premises and increased number of machines and ancillary betting facilities. He suggested that, of the 106 objections received, only about ten were aware that there was already a casino on the site.

Responding to questions, P Kolvin stated that:

- a) there was no definition in statute in respect of what constituted a vulnerable person, but he believed in the case of gambling it would be someone who gambled more than they could afford and were unable to stop. Staff were trained to notice symptoms and to intervene where necessary, the first option being to seek self exclusion. The vulnerable persons were signposted to help groups;
- b) the maximum capacity for the proposed premises had not yet been agreed, but would comply with recommendations of the Fire Service;
- c) casinos were naturally low crime areas, with alcohol consumption being a secondary part of the business. Door staff were only needed on Friday and Saturday nights;
- d) a pre-meeting had been offered with the local church and arrangements had already been made for a meeting with them following this hearing;
- e) any increased signage at the enlarged premises would be subject to planning approval and the church would, as close neighbours, be consultees;
- f) there was no evidence to suggest that the expansion of the casino would affect the businesses and organisations in the near vicinity and the regulations prevented objectors bringing additional objections to the meeting today unless agreed by all parties, and
- g) there would still only be one entrance to the extended premises.

At his juncture, I Jones outlined the objections on behalf of the local church. He indicated that he would be representing Mr and Mrs Kaul and Mr and Mrs Tuffour (who were not present) and he would be calling upon a small number of individuals in support of the submissions. He stated that there would be a conflict of between the use of the premises as a larger casino and the work of the church in dealing with young persons and vulnerable people. He accepted that there was an existing casino, that the morality of gambling was not an issue for consideration at the hearing and that some issues would be dealt at stage 2 of the proceedings.

At this juncture Pastor Uppal, senior minister and chair of the church trustees, outlined his representations, which would also be made on behalf of Mr Kaul. The church had been in its present location for some 60 years and was a registered safe place for vulnerable people. It provided a food and clothes bank, assistance for people with gambling addictions and advice and counselling, with a foot flow of 1,200 to 1,400 per week. The top floor of the premises was utilised for youth work. The building was used from 0600 hours with 12 paid staff and in excess of 50 volunteers. He added that, irrespective of whether people's concerns were real or perceived, it would have an effect on the assistance the church could provide and that 12.5% of referrals came from agencies in the near vicinity.

Responding to questions I Jones and Pastor Uppal stated that:

- a) the definition of a vulnerable person as outlined by P Kolvin was correct and persons attending the local job centre were potentially vulnerable;
- b) the church had not made any previous representations in regard to the casino;
- c) there was a fear that the enlarged casino would not assist the work the church and other agencies were undertaking in regard to young and vulnerable persons and the perceived fear would affect the number of people who were prepared to seek help,
- d) they did not understand the premises in Temple Street to be a destination gambling establishment as it was in the City Centre.

The meeting was adjourned at this point for a period of 45 minutes to enable all parties to take lunch.

The meeting re-convened and Mr Jones called upon the persons who would be outlining their representations:-

A Wrighton indicated that he had been a youth worker for a period of two years, having previously had personal problems in regard to gambling, drug and alcohol addiction, which were experienced outside the City. He also made reference to the continuing problems experienced by a close friend. He was concerned that parents would not allow their children to take up the facilities available at the church if the enlarged casino was granted. Responding to questions he indicated that he had no professional qualification in youth work and had not personally been in the casino.

S Takura indicated that she was a Youth Worship Leader and travelled alone to and from the church four times per week, mostly in the evenings. She felt that the casino would make her feel more insecure and she feared that some parents would prevent their children from attending the youth facility which was quite close to the casino. She added that not all the youngsters who attended came from positive backgrounds and the enlarged casino would not help. She indicated that she had not personally been a victim of any incident in the vicinity of the casino.

K Bourne-Genner strongly objected to the enlarged casino. She worked with persons with learning disabilities who travelled independently to the facility, but were vulnerable and believed that the larger more visible casino would result in a reduction of people who could continue to travel independently. Due to reduced funding they would not be able to afford taxis. As a care manager she was required to carry out risk assessments and believed that the enlarged casino would mean the area would be classed as more risky. P Kolvin pointed out that none of the above points had been raised prior to this hearing. N Gilchrist added, however, that general assertions had been made via the church submissions. The Sub-Committee agreed to note the verbal comments made by K Bourne-Genner.

I Jones, Pastor Uppal and P Kilvin were afforded the opportunity to make final statements.

### **Exclusion of Press and Public**

24. Resolved:

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 2 of Schedule 12A to the Act (Information relating to the identity of an individual) is likely to be disclosed.

For ease, the Sub-Committee withdrew from the meeting room together with the Legal Counsel for the Licensing Authority, City Council's Solicitor and the Democratic Support Officer.

## **PART II - EXEMPT ITEMS**

### **Deliberations and Decisions**

25. The Sub-Committee discussed the issues which had been raised during consideration of the application for a Small Casino Licence.

The Legal Counsel and Solicitor advised them of the options open to them in determining the application.

### **Re-Admission of Press and Public**

26. At this juncture the Sub-Committee and Officers returned to the meeting room.

## **PART I - OPEN ITEMS**

### **Announcement of Decision**

27. Legal Counsel outlined the decision of the Sub-Committee as follows:

In reaching our decision we have taken in to account the relevant legislation, Code of Practice, Gambling Commission Guidelines and the Authority's Statement of Gambling Policy.

In approaching this matter we are required to 'aim to permit' the use of the premises for gambling in so far as we think it is;

- i. In accordance with any relevant code of practice issues by the Gambling Commission, and;
- ii. In accordance with any relevant guidelines issued by the Gambling Commission, and;
- iii. Reasonably consistent with the licensing objectives, and;

- iv. In accordance with the Authority's Statement of Gambling Policy under the Act.

We are satisfied as to (i), (ii) and (iv) above and there has been no argument to the contrary.

We have considered therefore whether the use of the premises for gambling would be reasonably consistent with the licensing objectives in all the circumstances of this particular case and based upon the evidence we have heard and, where appropriate, read.

The licensing objectives are:

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

With regard to that objective we note that there has been no objection from the Police to this application and there has been no real suggestion from those objecting to the application that this particular objective would be damaged.

2. *'Ensuring gambling is conducted in a fair and open way'*.

There is no evidence or submission made to suggest that the granting of this application would not be consistent with this objective.

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

In relation to this objective there is a live issue. We have listened and have had careful regard to the evidence given on behalf of the interested parties in respect of this concern, including, where relevant to the licensing objectives, the submissions made in writing by interested parties.

We have taken care in considering that evidence and the arguments put forward on behalf of the interested parties.

Having done so, we are satisfied that the use of the premises would be reasonably consistent with the licensing objectives, including the objective relating to the protection of children and other vulnerable persons from being harmed by gambling.

We are fortified in our decision by the fact that the Casino that is already operating has been operating since 2004 and has never given rise to complaint or cause for concern.

In those circumstances we conclude that it is proper and appropriate to provisionally grant the application.

The legal Counsel advised that written confirmation of the decision would be circulated to relevant parties within the legislated timescale.