

## LEGISLATION UPDATE

<b>Committee name</b>	Licensing Committee
<b>Officer reporting</b>	Beejal Soni - Legal Services
<b>Papers with report</b>	None
<b>Ward</b>	All

### HEADLINES

This report provides a case-law update and statistics related to the licensing of premises under the Gambling Act 2005.

### RECOMMENDATIONS:

**That the Licensing Committee note the report.**

### SUPPORTING INFORMATION

#### 1. Case law Update

*Bamboodle Bar and Grill Ltd -v-Stratford upon Avon District Council (unreported)  
Coventry & Warwickshire Magistrates Court  
17-19 July 2017*

On 02 March 2017 the Stratford-Upon-Avon Licensing Sub-Committee revoked the premises licence for Bamboodle Bar and Grill Ltd. The reasons given for the revocation were:

- 1) The continuing failure by management to promote the licensing objectives of public safety, prevention of public nuisance and prevention of crime and disorder;
- 2) No real likelihood that the premises could or would be operated to promote the licensing objectives;
- 3) The owner, manager and their advisers had not grasped or had deliberately failed to grasp the importance of compliance with licence conditions and in maintaining an honest and open relationship with the licensing service;
- 4) The owner and manager of the premises had little or at best a casual regard for the safety of patrons and staff with little concern shown for the welfare of residents nearest to the venue.

The decision was subsequently appealed by the Premises Licence Holder. At the three-day hearing, the court found that there was no doubt that local residents had been severely adversely affected by noise nuisance coming from the premises and additionally with crowds of people associated with the premises on the pavement and highway causing unacceptable nuisance.

During the three-day appeal hearing the Magistrates heard evidence related to repeated overcrowding of the premises, noise nuisance and public nuisance on the street which could be attributed to the premises. The Court concluded that there was little prospect of the premises licence holder running the premises in a manner which upheld the licensing objectives. Consequently, it upheld the decision of the licensing authority. The appellant's company was also ordered to pay all the district council's costs of just over £25,000.

A transcript of the appeal hearing has been requested from solicitors acting on behalf of the district council. It is hoped this will be available and distributed to Members prior to the Licensing Committee meeting.

## **2. Statistics for premises licensed under the Gambling Act 2005**

Licensing authorities (LAs) have a statutory duty to provide the Gambling Commission with specific information about gambling regulation in their area. The national statistics for 2016/17 have now been released by the Gambling Commission.

<b>Headline National Figures</b>	
<b>11,248</b>	Premises in Great Britain where a licence has been granted by the LA. A premises licence, rather than a permit, is required when an operator is using a premises for a gambling business licenced by the Commission
<b>53,242</b>	Permits and notifications currently in force for gambling-related activity in alcohol licensed premises, clubs and unlicensed family entertainment centres in Great Britain, as at 31 March 2017. This shows a 3% decline from March 2013
<b>3,398</b>	Permits/notifications were approved in the year ending March 2017. This shows a 43% decline from March 2013
<b>3,621</b>	Permits/notifications were made inactive (surrendered or revoked) in the year ending March 2017. This shows a 49% increase from March 2013
<b>5,334</b>	Inspections/visits were made by 249 LAs. 92% of which were pre-planned
<b>131</b>	LAs recorded nil inspections/visits in the year to 31 March 2017
<b>5,334</b>	Inspections/visits were made by 249 LAs. 92% of which were pre-planned
<b>14</b>	Average number of inspections/visits of premises where gambling activity took place per licensing authority (-1 from March 2016)
<b>131</b>	LAs recorded nil inspections/visits in the year to 31 March 2017
<b>71</b>	Total test purchasing visits conducted by licensing authorities (-39% from March 2017)

The report and statistics can be accessed at:

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Statistics/Licensing-authority-statistics.aspx>

### **Implications on related Council policies**

None at this stage

## **Financial Implications**

None at this stage

## **Legal Implications**

Legal comments are contained within the report.

## **BACKGROUND PAPERS**

NIL