Minutes

LICENSING SUB-COMMITTEE

9 September 2019

Meeting held at Committee Room 5 - Civic Centre, High Street, Uxbridge

	Committee Members Present: Councillors Roy Chamdal (Chairman), Lynne Allen, Brian Stead **LBH Officers Present**: Steven Dormer (Licensing Officer), Kerrie Munro (Legal Advisor), Neil Fraser (Democratic Services Officer)
22.	**APOLOGIES FOR ABSENCE** *(Agenda Item 1)* None.
23.	**DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING** *(Agenda Item 2)* None.
24.	**TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE** *(Agenda Item 3)* It was confirmed that all items would be considered in public.
25.	**MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT** *(Agenda Item 4)* None.
26.	**LICENSED PREMISES GAMING MACHINE PERMIT VARIATION APPLICATION - BOTWELL INN, 25-29 COLDHARBOUR LANE, HAYES, UB3 3EB** *(Agenda Item 5)* ***Introduction by Licensing Officer:*** Steven Dormer, Licensing Officer at London Borough of Hillingdon, introduced the report, photographs and addendum relating to a variation application for a gaming machine permit in respect of Botwell Inn, 25-29 Coldharbour Lane, Hayes UB3 3EB. The application was to increase the number gaming machines on site from 5 to 7 category C machines. The Sub-Committee was informed that the two proposed new machines were to be positioned in view of the bar staff. However, three of the existing machines on site were positioned in an area that was not viewable by bar staff, and concerns remained over the staff's ability to sufficiently supervise an increased number of machines. The Sub-Committee were reminded to have due consideration to the Licensing Act 2003 and Gambling Act 2005, the Relevant Code of Practice, guidance issued by the

Commission, and Hillingdon's Licensing Authority Statement of Licensing Policy, as well as the licensing objectives for gambling purposes, which were:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons form being harmed or exploited by gambling.

Members were advised that there was no intelligence to suggest that the use of gaming machines at the site was a source of organised crime, though there was currently a BetWatch scheme in the Hayes area which aimed to reduce antisocial behaviour and crime linked to betting premises. While the Botwell Inn was not a betting premises, the increased number of machines could have the potential to attract similar problems to those experienced by betting shops in the vicinity.

It was confirmed that the Botwell Inn was not part of the BetWatch scheme, as this was aimed at betting premises. The committee was advised that there were no records of Member Enquiries or antisocial behaviour related to the site.

Representation by Applicant/Licence Holder

The applicant advised that the request for an increased number of gaming machines was to meet demand due to increased patronage at the site following the redevelopment of the front and rear garden areas. However, the use of the machines was ancillary to the main trade, namely the provision of food and beverages.

The two proposed new machines would be sited in an area previously used for machines, but that was currently empty following an internal relocation of two of the existing five machines . Currently, all machines were situated in areas of good visibility for bar staff or floor staff and were monitored regularly. Staff numbers had been increased to meet the increased number of customers, and all staff members were trained on how to identify and deal with illegal behaviour within the pub.

Regarding the reference to BetWatch, the Sub-Committee was informed that the Botwell Inn was a member of PubWatch. The site maintained a strong challenge 21 policy, and all machines were labelled with age restriction notices.

Representation by Responsible Authorities

No responsible authorities were present.

Discussion

Members requested further detail on how the machines would be monitored and supervised moving forward. The applicant advised that the two new machines would be in direct view of bar staff. In addition, floor staff and managers were regularly moving in and out of the areas where machines were located, and would be constantly monitoring their usage.

Floor managers would manage customer behaviour, and this included issues with drunkenness as well as fraudulent behaviour relating to gaming machines, in line with the licensing objectives. Police often sent in mystery shoppers to test managers, and to the applicant's knowledge, there were no incidents of staff not adhering to the challenge 21 policy, or incidences of fraud on the machines. Risk assessments were

carried out regularly, and manager logbooks and an online incident reporting tool were used regularly. Staff would normally record an incident immediately, though policy was to allow for up to 48 hours for the logging of an incident. CCTV was present and had full coverage, including the areas where gaming machines were sited, and this was available to Police and the local authority upon request.

Regarding the number of machines, it was highlighted that the request amounted to a 40% uplift on the number of machines on site. The applicant was asked to address whether such an increase was warranted. The applicant advised that the machines were needed to meet demand for analogue machines, (of which there were currently none on site), to offer a broad variety of machines to meet customer preferences. The Sub-Committee was advised that if the application was successful, the applicant would not be seeking to further increase the number of machines in the future.

Members sought clarity on the number of customers using the pub, and the amount of staff employed to manage them. The applicant advised that the capacity of the site was approximately 550, with an average busy night seeing roughly 200 patrons on site at any given time. The number of staff on site would vary based on shift, with busier evening shifts employing more staff, up to a total of 9 front of house staff and 3 kitchen staff. The applicant advised that this number of staff was sufficient to properly manage the pub during its busy hours.

Closing Submissions

The Licensing Officer had nothing further to add.

The applicant advised that the current Designated Premises Supervisor had worked with seven machines at a premises previously, was responsible, and understood the requirements to meet the licensing objectives. The company itself took the licencing objectives and its responsibilities very seriously, and the locations for the machines were well suited for supervision by both bar staff and floor staff.

Committee Deliberation

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

The Sub-Committee gave due consideration to the evidence submitted both orally and in writing, giving particular weighting to procedures in place to ensure the Gambling Objectives would be met in full.

The Decision

The Sub-Committee considered all the relevant evidence made available to it and in doing so took into account the (s.153) Gambling Act 2005, Gambling Objectives, Gambling Commission Guidance, relevant Code of Practice, Licensing Objectives, Licensing Act 2003, Hillingdon's Gambling & Licensing

	Policies. **The decision of the Sub-Committee was to grant the application for a Gaming Machine Variation from 5 to 7 category C machines.**
	The meeting, which commenced at 2.00 pm, closed at 3.26 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.