

LICENSING SUB-COMMITTEE

Thursday 15th December, 2016 at 10.30 a.m.

In a Conference Room at the Council House, Walsall

Present:

Councillor Sears (Chairman)
Councillor Sarohi
Councillor Worrall

In attendance:

Hazel Powell - Senior Licensing Officer – Walsall MBC
Paul Green- Legal Services – Walsall MBC
Anna Mathias- Woodswhur, Solicitor for applicant
Andrew Smith- Loung Operations Manager- Luda Bingo
Gary Arnold- Senior Performance Manager- Luda Bingo
Clint Walker- Head of Concept Development- Luda Bingo
Roger Etchells- Etchells & Co representing Mr P Kumar
Mr P Kumar- Owner of property in Park Street
PC Neil Gardiner- West Midlands Police
Sergeant Leigh Hale- West Midlands Police

Appointment of Chairman

Resolved

That Councillor Sears be appointed Chairman of the Licensing Sub-Committee for this meeting only.

Councillor Sears in the chair

Welcome

The Chairman extended a welcome to all persons present at the Licensing Sub-Committee which had been established under the Licensing Act, 2003.

Apologies

No apologies were submitted.

Declarations of Interest

There were no declarations of interest.

1295/16

Licence Hearing

Application for a premises licence under Section 17 of the Licensing Act, 2003- Luda Bingo, 7-11 Park Street, Walsall, WS1 1LY

The report of the Director of Public Health was submitted:-

(See annexed)

Councillor Sears explained the purpose of the meeting and requested the Senior Licensing Officer (Hazel Powell) to explain the application.

The Senior Licensing Officer (Miss Powell) enlarged upon the report for the benefit of the Sub-Committee and indicated that the application for a premises licence in respect of Luda Bingo, 7-11 Park Street, Walsall, WS1 1LY had been made under Section 17 of the Licensing Act, 2003. The application had been made by Mecca Bingo Limited. The application had been received by the Licensing Authority on 21st October, 2016 (appendix one refers) and could be granted as requested, granted with additional/ modified conditions or rejected. Miss Powell drew the Sub-Committee's attention to paragraph 1.3 of the report which summarised the proposed activities and times including the supply of alcohol on the premises from 9am to midnight Monday-Sunday. The premises opening times were 7am-00.15am Monday-Saturday and 0900-0015am on Sunday.

A street map showing the location of the premises was given as appendix two to the report and Miss Powell confirmed that the application had been submitted to the Statutory "responsible authorities" and had been advertised by way of a blue site notice displayed at the premises and a licensing notice had been placed in a newspaper circulating in the area to comply with the requirements of the Licensing Act. West Midlands Police had agreed mediated conditions with the applicants on 18th November, 2016 and, if the application was granted, would be attached to the licence (paragraph 1.8 refers).

Miss Powell also referred to paragraph 1.9 of the report which indicated that seven valid written representations had been received to the application from other persons (appendix three refers). Miss Powell then explained the cumulative impact policy for the Town Centre which had been introduced on 8th September, 2008 (appendix four refers) and the Council's Licensing Policy produced in accordance with Section 6 of the Licensing Act, 2003 (appendix five refers). Finally, Miss Powell drew the Sub-Committee's attention to paragraph 3.2 of the report which contained the legal position.

Miss Powell then circulated further representations from "other parties" who had been unable to attend today's meeting (see annexed) and reminded members that there had been no police objections to the application.

Parties had no questions for Miss Powell on the report.

Mr Etchells, speaking on behalf of his client, Mr Kumar, stated that it was unfortunate that there were not more objectors present at the hearing but retailers were particularly busy at this time of the year. Mr Etchells reminded the meeting that the licensing objectives included public nuisance. He indicated that the cumulative impact policy covered Park Street and that area was, in his opinion, already saturated with licensed premises so another licensed premise would adversely affect the cumulative impact policy. The premises licence should therefore be refused unless a rebuttal was made and the applicants could prove that their licensing activities would not adversely affect the cumulative impact policy or reduce public nuisance in that area of Park Street.,

Mr Etchells continued that as the Luda Bingo concept was new, it had no operational history and opening from 7am to midnight seemed excessively long hours. He referred to the problems experienced in other town centre licensed premises on Friday and Saturday evenings and to the efforts the Council and West Midlands Police had made to prevent crime and disorder. He felt that to grant the application would not support the cumulative impact policy.

Mr Etchells stated that Mr Kumar was also concerned about Luda Bingo's smoking policy which would mean the bingo club's clientele smoking in Park Street outside the premises. He was concerned that this would impact on public order in Park Street. He requested the panel to refuse the premises licence application on cumulative impact policy grounds. Mr Etchells indicated that Mr Kumar would be happy to answer any questions parties might have as a market trader and owner of property in Park Street.

Anna Mathias had no questions for Mr Etchells or Mr Kumar.

Councillor Worrall asked for more information on the existing issues with licensed premises in Park Street. Mr Etchells replied that there were not many problems with the premises in Park Street itself but there were problems with licensed premises in Bridge Street and people did congregate on the benches in Park Street to drink alcohol there.

Mr Kumar indicated that he had operated market stalls in Park Street for many years. He had seen people worse for drink fighting, spitting and urinating in Park Street and he had been attacked by drunken individuals on a number of occasions. He stated that over the last twelve months, the Police and Local Authority had done a lot to improve the situation in the town centre. He was concerned that if the application was granted, it would attract the wrong clientele back into the town centre again.

Councillor Worrall asked if Mr Etchells felt that agreeing to Luda Bingo's request for a premises licence would breach the cumulative impact policy or whether the proposed hours for the supply of alcohol were too long (9am-midnight). Mr Etchells replied both. He felt that

another premises selling alcohol in Park Street could only exacerbate existing problems and the proposed hours for the supply of alcohol, were, in his opinion, too long.

Councillor Sarohi asked if smoking outside 7-11 Park Street, Walsall would create problems for the general public using Park Street. Mr Etchells felt that it would. Mr Kumar indicated that if patrons from Luda Bingo came out into Park Street to smoke, they might be tempted to bring their drink with them or if they had been drinking and were prevented from taking their drinks outside, it could lead to arguments and violence.

Councillor Sarohi asked if seeing people drinking in the premises through the clear glazed windows could have a harmful effect on passersby. Mr Kumar felt that it could affect children and young people adversely.

Anna Mathias was invited to make representations on behalf of the applicants and indicated that she would try to convince the panel that the application would not add to the cumulative impact policy. She stated that the applicants were happy to amend hours for the supply of alcohol on the premises to 11am- 12 midnight and the use of CCTV had been amended as a result of discussions with the Police. Door Supervisors would be provided after discussions with the Police or following a risk assessment by management. She informed the meeting that Mecca Bingo was part of the Rank group which had many years of gambling experience and reported that Nottingham City Council had allowed Luda Bingo to open a premises in Nottingham town centre within their cumulative impact area.

Anna Mathias continued that a lot of thought and careful business planning had gone into the enterprise and Mecca had vast experience in gambling having operated since 1937. She indicated that Mecca sold alcohol at all of its sites and there were very few problems.

Anna Mathias reported that Luda Bingo had been set up to emulate the Spanish bingo model which was based on players playing several individual games rather than the more traditional sessional style normally found in this country. The demographic aimed at was the 25-55 age group of male and female. It was designed to be a well-managed, safe environment and not as primarily a drinking establishment. Patrons would play games on electronic tablets or paper tickets could be purchased from staff members. The establishment would link up to other Mecca sites for national events. Only gaming machines permitted under a bingo licence would be available in the venue (category B3 and C) and the venue would offer a totally different environment to arcades or betting shops. If a passerby looked through the windows, they would see a coffee shop with the bingo lounge beyond that. The gaming machines would be sited along the back wall and would be partitioned off from the rest of the ground floor. A second coffee lounge would be available on the first floor and there would be a

high quality but limited food offering. (A sample menu is indicated on page 57 of the applicant's representation document).

Anna Mathias explained that rowdiness or drunkenness could not be permitted because the gambling commission would take punitive action against Mecca in such circumstances. In the evening, there would be a total change to the food menu with the introduction of finger food and platters. She drew the panel's attention to the drinks menu (page 56 refers) and explained that only two draught beers would be offered. The price range was moderate and there would be no discounted drinks, drinks promotions or happy hour. Staff would be trained in the sale of alcohol and refreshed every two years.

Referring to the representations made, Anna Mathias stated that Charlie Browns had referred to the premises as "huge". This was inaccurate as the floor area covered only 3,500 square feet. It was double frontage and not a triple frontage as stated in the letter. She added that Luda were expecting a maximum number of 100-120 patrons in the evening and 15-20 during the day time playing 2 or 3 games then leaving.

Regarding smoking, she felt that only a handful of people would be standing outside the premises in Park Street at any one time. There would be no designated smoking area and no drinks would be allowed to be taken outside.

The Lounge Operations Manager (Andrew Smith) drew the Sub-Committee's attention to the proposed site management plan (page 57 refers) and indicated that the focus was on CCTV and security to protect customers at the property. Staff would be highly trained and CCTV would be provided to Police on request for town centre incidents. He added that "Think 21" would be applied. Self exclusion and responsible gaming policies would be in place and door security would be provided when necessary. The aim was to prevent any sort of anti-social behaviour emanating from the premises. Regarding the management of alcohol, Andrew Smith reported that only a limited range would be available and patrons would be encouraged to purchase their drinks from the bar then move to a table once served and not congregate around the server. No alcohol will be allowed outside the premises. Referring to the smoking policy, Andrew Smith confirmed there would be no designated smoking area and staff would be encouraged to keep the entrance to the premises clear of smokers.

Anna Mathias informed the meeting that alcohol was very much an ancillary item making up only 5-7½% of turnover. The objections and allegations put forward in the representations were without foundation and the suggestions that granting a licence would lead to a "no go" area in Park Street were totally unfounded. She referred to Park Street's chequered past and indicated that there was nothing in her client's application to suggest that granting the premises licence would bring previous problems back. The ancillary nature of the alcohol sales

would ensure that this did not happen and Luda should not be blamed for anti-social behaviour occurring beyond the boundaries of their site. She added that as the Police had not objected to the granting of the premises licence, it should be allowed.

Anna Mathias then drew the Sub-Committee's attention to the ticketing escalations support system (TESS) arising from Luda's Brierly Hill establishment (pages 71-81 refer). In 2015/16 there had been circa 300,000 visits to the premise and in 2016 there had been no reported incidents. In 2015 there had been four reported incidents, none of which had resorted in violence or disorder. This confirmed that Mecca's premises were not areas of crime and disorder and mechanisms were in place that worked effectively.

Anna Mathias then referred to the Portas Review of the town centre area (pages 93-105 refer) and explained that Mary Portas had suggested that bingo premises could be used to revitalise town centres.

Referring to the times for the sale of alcohol, Anna Mathias indicated that it had never been intended to sell from 7am to midnight as suggested in the representations. The application had requested 9am-midnight and, after discussion with the Council's Officers 11am-midnight would be acceptable if the Sub-Committee chose to impose that condition.

Anna Mathias drew the Sub-Committee's attention to Mecca Bingo Limited's terms and conditions (page 65 refers) which included customers must be over 18 years of age and the Think 21 policy. She indicated that records of all age checks carried out were sent to Head Office for retention. Members asked how under 18's could be kept out of the premises if no door staff were on duty. Andrew Smith replied that signage would be provided at all entrances reminding patrons that under 18's were not allowed. At least two staff would be present walking the floor at all times to ensure no underage persons entered the building and the server was positioned close to the entrance so that bar staff could also vet those entering the premises. He added that CCTV cameras covering the entrance could also be used to check those entering and age verification technology was being considered for the main entrance. Anna Mathias reported that the server would be manned at all times and people would have to walk past the server to access the bingo lounge.

Mr Etchells referred to the clear glazed frontage and what would be seen by passersby. Anna Mathias replied that the clear glazing was required by planners who wanted a vibrant active frontage in this prestige area of the town centre. She referred to the fact that passersby would see a coffee lounge at the front of the premises with a bingo lounge behind that and the gaming machines at the rear of the premises. She felt it was important that it was obvious to the public what sort of premises was being entered. She added that children and young people would not be harmed because the frontage was clear

glazed. Anna Mathias concluded by stating that the cumulative impact policy was rebuttable. She felt that she had covered the representations made and had shown that if the premises licence was granted, it would not add to the cumulative impact area.

The parties present were invited to question Anna Mathias and Mr Etchells referred to the fact that if one floor walker and one bar staff member were on duty then they would have difficulty in covering all areas of the premises, especially if they were expected to cover the first floor coffee lounge and assist people with the gaming machines. Mr Arnold (Senior Performance Manager) reported that one floor walker and one bar staff member would be on duty during quiet times. During busier times, more staff would be on duty.

Mr Etchells asked about the use of door staff. Mr Arnold replied that they would be deployed following a risk assessment by management or as a result of a request by the Police.

Mr Etchells asked how many seats would be provided for patrons in the bingo lounge and coffee lounge upstairs. Mr Arnold replied 26 downstairs and 36 on the first floor.

Mr Etchells asked if patrons would be able to play bingo in the coffee lounges and in the area immediately behind the shop frontage. Mr Arnold confirmed that they could.

Mr Etchells referred to alcohol sales amounting to 5-7½% of turnover. He asked if staff would be encouraged to sell as much alcohol as possible. Mr Arnold replied that the 5-7½% figure related to sales across the whole of Mecca. He added that customer choice would dictate how much or how little alcohol was purchased within the premises.

Mr Etchells referred to the fact that more beers were on offer in other Mecca Bingo clubs and at cheaper prices. Mr Arnold replied that the Walsall experience would be different so fewer beers would be on offer and pricing would be higher. He added that only two new bingo halls had opened in the Walsall area in the last 8 years and bingo halls generally had been hit hard by the smoking ban. A new approach was required if bingo establishments were to survive in the future.

Mr Kumar asked where the smokers would go. Mr Arnold replied that current legislation meant that they could not remain inside the building to smoke so they would have to go out into Park Street.

Councillor Worrall referred to the times for the supply of alcohol. He appreciated the offer of the later start from 11am but asked if the applicants still wanted sales to continue to midnight. Anna Mathias indicated that having held discussions with market traders and other interested parties, her clients were happy to commence selling alcohol from 11am but they were keen to retain sales until midnight. Councillor

Sarohi asked for confirmation that bingo would be the main activity on site with drinking as ancillary only. Anna Mathias confirmed that this was correct. She continued that if the premises became a drinking den, then the gambling commission could close it down and Mecca could lose its licence. She added that the premises were not trading yet and if the concept was unsuccessful, then the enterprise would fail and not be pursued further.

Councillor Sarohi asked what would happen if more than the 15-20 persons expected attended the premises during the daytime. Mr Arnold replied that if numbers were greater, then staffing would be increased accordingly.

The Legal Representative (Paul Green) asked if patrons would be able to walk around with drinks or would they be required to sit at tables. Mr Arnold replied that patrons would be requested to sit at tables to drink or take their drinks over to the gaming machines with them.

Paul Green expressed concern over inadequate or insufficient security. Anna Mathias replied that security would be risk assessed or provided after discussion with West Midlands Police. Mr Arnold stated that more staff would always be on duty during evenings and at weekends. This was a new concept so management would be learning as well. He added that Mecca would not accept anti-social behaviour on their premises.

Paul Green asked if Luda had applied for planning permission for the premises in Park Street. He stated that although it was not a relevant consideration for the Sub-Committee, clarification was sought as the applicant's planning application had been included in the bundle of documents presented by the applicant to the Sub-Committee. Anna Mathias replied that planning permission had been sought for the Luda Bingo project but it had been refused on the grounds of loss of retail space in the town centre area.

All parties were invited to sum up and Mr Etchells commented that if the concept proposed by Luda Bingo was unsuccessful then the premises would close. He referred to the fact that there would be 45 machines within the building and felt that this and not the bingo would provide the main operation for the premises.

Referring to the drinks menu, he agreed that it presently appeared different to what was on offer at other Mecca Bingo club premises but that could change and Walsall could become like everywhere else if management felt that was more appropriate. He expressed concern over the staffing levels proposed by Luda Bingo and felt that more staff would need to be on duty to supervise and prevent patrons from taking drinks outside. He reiterated the fact that the staffing levels proposed were, in his opinion, too low to cover the ground and the first floor adequately.

Anna Mathias replied that one floor walker and one bar staff member would only be used during quiet times like early morning. When the club was busy, more staff would be on duty. Regarding the drinks offered at the premises, no more beers would be offered as there was insufficient space for them. She added that the concept was very much bingo led not gaming machine led.

Councillor Sears asked if all parties were satisfied that they had had ample opportunity to air their views. This was confirmed and the parties withdrew from the meeting at 12 noon.

The Licensing Sub-Committee carefully considered all the evidence submitted and the representations made during the hearing and asked for additional information from the applicants regarding the smoking provision. All parties were re-admitted at 12.15 p.m. and the Legal Representative (Paul Green) asked if a smoking shelter could be provided at the rear of the premises. The Senior Development Manager (Mr Arnold) replied that providing a smoking shelter at the rear of the premises would compromise security and as it was a shared space it would not be possible.

All parties withdrew from the meeting again at 12.17 p.m. and it was

Resolved

(Councillor Worrall voting against)

That the Sub-Committee refuses the premises licence in respect of Luda Bingo, 7-11 Park Street, Walsall, WS1 1LY as the application would have an adverse impact on the cumulative impact area and would also adversely impact upon the crime and disorder and public nuisance licensing objectives.

All parties were re-admitted to the meeting at 12.25 p.m. and informed of the Licensing Sub-Committee's decision. The parties were advised of their right of appeal to the local Magistrates Court within 21 days of receipt of the determination.

Termination of Meeting

The meeting terminated at 12.30 p.m.

Chairman.....

Date.....