

DECISION OF LICENSING SUB-COMMITTEE
held on 12 November 2020

Having carefully considered the application by Cashino Gaming Limited, Seebeck Place, Knowhill, Milton Keynes, MK5 8FR for a grant of a bingo premises licence in respect of 1 High Street, Kidderminster, Worcestershire, DY10 2DJ the Licensing Sub-Committee has resolved to grant the bingo premises licence.

1. The conditions set out in Appendix 8 and Appendix 13, Part 1 and 2 are to be attached to the premises licence under section 169(1)(a) of the Gambling Act 2005.
2. None of the objectors attended the hearing, having either advised that they would not be attending or failed to inform the Licensing Sub-Committee whether they would be attending. Having decided to proceed in their absence the Licensing Sub Committee (LSC), considered all the written and oral representations from the applicant and all the written representations submitted by the interested parties and determined to grant the application in full with the conditions in appendices 8 and 13 (Part 1 and 2) of the report presented by the licensing officer.
3. The LSC was persuaded by the steps taken by the applicant to promote the licensing objectives relating to gambling establishments. The LSC noted that the applicant had carried out a comprehensive local area risk assessment and intends to review it at the point of opening and that local area risk assessments are updated by the applicant annually to identify any changes in the local area.
4. The applicant and the local police force have agreed conditions to be added to the premises licence, these are contained in appendix 8 of the report.
5. The LSC also had regard to the fact that notwithstanding that the Gambling Act 2005 Act permits under-18-year olds entry into bingo premises, this applicant intends to run the premises as an adults-only establishment and will not supply or allow alcohol in the premises. The LSC also noted that the Gambling Act 2005 allows bingo premises default opening hours of 9.00 a.m. to 12.00 a.m. and the applicant did not apply to seek having these altered.

6. The representations received in relation to the application, together with the licensing authority's response, are set out below.

7. The LSC considered written representations against granting the application from IP1, IP2, IP3 and IP4. A summary of the written objections is as follows:

8. IP1

That the business is situated by a local hot spot for youths and older groups to hang out within Kidderminster town centre, namely an alcohol serving establishment in the close proximity of the proposed premises, which will result in anti-social behaviour, which will become even higher within the town centre, especially late at night, as punters will have the option to consume alcohol in front of the premises that the objector understands is intended to have 24/7 licence.

9. IP2

That it will cause disorder in this part of the town centre, refusing the licence would protect vulnerable people. Discrepancy between the subject of a planning application and the premises licence application.

10. IP3

I cannot see the point of having another bingo hall in the town centre, there is no parking in the area, and it is close to a busy public house with regular troubles occurring on weekends. Another establishment such as this will attract a wrong type of people, especially with a 24 hour application.

11. IP4

This type of establishment in the street, particularly if open 24 hours a day, as was the objectors understanding is intended, will cause crime and disorder.

12. The LSC, considered the written representations by the objectors, none of whom attended the hearing, in detail.

13. In its consideration of IP1's representations, the LSC considered that disorder amounts to an activity which is more serious and disruptive than mere nuisance and where it can be shown that gambling is the source of the disorder. The LSC considered that nothing in the representation linked the anti-social behaviour to gambling. The LSC

further noted from the written and oral representations that the applicant will not be selling alcohol on the premises and will not allow persons under the influence of alcohol and drugs to enter the premises. In addition, the LSC is satisfied that the applicant has in place robust procedures for monitoring the premises and the area immediately outside of the venue. The LSC also noted that the Police and the applicant have agreed additional conditions addressing these issues and noted that on the basis of these conditions the police have no objections to the application. The LSC noted that when making a decision about disorder, the Licensing Authority needs to give due weight to comments made by the Police. After due consideration the LSC is satisfied that the objector's concerns have been addressed by the additional conditions agreed.

14. In the consideration of IP2's representations regarding crime and disorder the LSC noted that nothing in the objection linked the crime and disorder to gambling and made the same observations as in respect of IP1's objections. In respect of the issue of the vulnerable people the LSC noted that no objections were received from the child protection team or any organisations specialising in adult or child vulnerability. In addition, the LSC noted that the applicant will operate a strict over 18s policy on the premises and based on the written and oral representations by the applicant the LSC is persuaded it has in place robust systems and procedures in respect of vulnerable individuals, including adequate supervision and staffing levels and training. In its consideration of this objection the LSC is persuaded that the application is consistent with the licensing objective of protecting children and other vulnerable people from being harmed or exploited. The LSC further noted that planning considerations are not relevant to the issue at hand and must not be considered in making the decision.
15. In its consideration of IP3's objections the LSC noted that not all parts of the objections were relevant to the matter. It further noted that the expected demand for the facilities is not a consideration it can legally have regard to when making its determination whether to grant a premises licence. The LSC again noted that the objections did not link the crime and disorder to gambling.
16. In consideration of IP4's objection the LSC again noted that the objector did not link the crime and disorder to gambling. The LSC undertook the same considerations regarding crime and disorder as when dealing with the previous 3 objections but found nothing in the objections that has not already been considered.
17. Overall, the LSC was satisfied that the issues raised by the objectors have been satisfactorily addressed by the additional conditions agreed

between the applicant and the police and by the procedures the applicant has in place. The LSC also noted the availability of a review in the licensing regime.

18. In making its decision the LSC considered and applied the principles in s 153 of the Gambling Act 2005, namely that the authority should aim to permit the use of premises for gambling in as far as the authority think it in accordance with the relevant code of practice under s 24, in accordance with the guidance issued by the commission under s 25, reasonably consistent with the licensing objectives and in accordance with the statement published by the authority.
19. The LSC is satisfied that the conditions in section 153 are met. In its consideration it gave regard in particular to article 3.2 of the Code of Practice Provisions of the Licence Conditions and codes of practice, July 2020, articles 1.23-1.26, 5.3, 5.5, 5.13, 5.18, 5.11, 5.19, 5.20, 5.31, Part 7, and Part 18 of the Guidance to Licensing Authorities, 5th edition (September 2015), its Statement of Principles 2019-2022 Gambling Act 2005, in particular articles 1.5, 6.1-6.3, 7.4, 7.5, 8.1, 9.1-9.6, and 11.7 and the licensing objectives of preventing gambling from being a source of crime or disorder, being associated with crime and disorder for being used to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling.