

## **Licensing Sub-Committee**

**Tuesday, 17th November, 2020**

**PRESENT:** Councillor R Downes in the Chair

Councillors C Knight and P Latty

**1 Election of the Chair**

**RESOLVED** – That Councillor R Downes be elected as Chair for the hearing.

**2 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

**3 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information.

**4 Late Items**

There were no late items. Supplementary information had been submitted in the form of a skeleton argument by the applicant. This had been published alongside the Agenda and circulated to all parties prior to the hearing.

**5 Declarations of Disclosable Pecuniary Interests**

No declarations were made.

**6 Gambling Act 2005 - Application for a Premise Licence (Bingo Premise), Merkur Slots, 377 – 379 Harehills Lane, Leeds, LS9 6AP**

The report of the Chief Officer, Elections and Regulatory presented an application for the grant of a Premises Licence (Bingo Premise) for Merkur Slots at 377-379 Harehills Lane, Leeds, LS9 6AP.

Prior to the commencement of the hearing all parties indicated that they were willing to proceed following the late publication of the agenda.

The following were in attendance:

- Mr Philip Kolvin QC - to present the applicant's case
- Dr Richard Bradley, Solicitor, Poppleston Allen – For and on behalf of Cashino Gaming Limited
- Ms Amanda Kiernan, Head of Compliance, Cashino Gaming Limited
- Mr Andy Tipple, Head of Product, Cashino Gaming Limited
- Ms Gill Clulow, Senior Auditor, Cashino Gaming Limited
- Mr Chris Green, Expansion Manager, Cashino Gaming Limited
- Mr Darrel Butterworth, Independent Licensing & Security Consultant

- Susan Duckworth, Principal Licensing Officer - Licensing Authority
- Sophia Ditta, Communities & Environments (witness on behalf of Susan Duckworth)
- Sgt. Frederick Winster (West Yorkshire Police)
- Cllr Denise Ragan, Burmantofts & Richmond Hill – Objector
- Cristina Georgiou, local business owner – Objector/witness for Cllr D Ragan
- Donna Englefield, local resident - witness for Cllr D Ragan
- Cllr Salma Arif, Gipton & Harehills – Objector
- Karen Harris – Objector/witness for Councillor Arif.

The Legal Adviser to the Sub-Committee explained the procedures to be followed and the Senior Licensing Officer outlined the application.

It was reported that the application was for a Bingo Premises Licence for Merkur Slots at 377-379 Harehills Lane, Leeds. In accordance with Gambling Commission regulations a local area risk assessment had been provided.

Representations had been made to the application by the Licensing Authority and West Yorkshire Police as responsible authorities and there had also been objections from Local Councillors and residents.

The applicant's representative addressed the Sub-Committee. The following was highlighted:

- It was acknowledged that the premises fell within an area of deprivation. The applicant had given conscientious consideration to the concerns that had been raised and as expected to the terms of the Gambling Act and Council's policy.
- Local risk assessments had been carried out and the application was subject to more conditions than any other licence held by the company.
- The Sub-Committee was invited to accept that the applicant led a professional and diligent operation and that the measures proposed presented a proper response to the issues identified to protect the licensing objectives.
- None of the applicant's other premises had been subject to a review despite a number of these that were situated in challenging areas.
- The applicant was committed to upholding the licensing objectives and had well established operating processes.
- Staff received six weeks of induction and annual refresher training to ensure company objectives were met.
- An issues identified by staff were acted upon immediately.
- Compliance of the regulations were inspected by Area Managers and tested by mystery shoppers and test purchases.
- The applicant had five other premises in Leeds which did not have individual conditions. There were thirty five additional conditions proposed for this application.

- The premises would not be a hub for crime and disorder. The company's track record showed there were no problems at any of their other premises. The demographic of the customer was mainly female, there would be no sale of alcohol and the outside of the premises would be monitored by staff and CCTV. There would be a log kept of any incidents and incident lines with local police.
- Protection of children – children would not be allowed on the premises or be able to see in. There would be no exterior advertising and the Challenge 25 scheme would be in operation.
- Vulnerable people – it was recognised the local population probably had a higher proportion of vulnerable gamblers and the proposals, staff training and systems engaged to counteract this were approved by regulatory authorities. The applicant also worked with Gamcare. The Playright app would be installed so player's limits could be restricted. Staff would also be trained on local issues and the Licensing Authority and local Police would be invited to participate in this training.
- Neither the Act, Guidance nor Policy stated that Licences should be refused in deprived areas. There was no gambling cumulative impact policy. There was an aim to permit by applying conditions to seek solutions rather than refusing. The applicant would be willing to discuss further suggested conditions.

In response to Members questions, the following was discussed:

- The majority of the customers at the premises were likely to be from the higher end of the 30 to 59 age group.
- The company had made the application in Harehills as there were available premises and a business case for having such a premise in the area. In Leeds there was a lower supply of bingo premises in comparison to other areas.
- It was legal to allow children into bingo establishments and other establishments with gaming machines. The applicant did not allow children in.
- The measures put in place by the applicant were there to prevent vulnerable people from gambling.
- Stakes and prize limits were governed by legislation. Eighty percent of gaming machines had to be low stakes. Only twenty percent could be category B3 which had the same stakes as those in licensed betting offices. The average stake of games played at the premises would be between 30 pence and 40 pence. Bingo would be played on electronic tablets and stakes could be as small as ten pence. This was reasonably low level gambling.
- Customers would not be able to obtain credit from the premises.
- Staff were trained to recognise indicative behaviours of problem gambling such as repeat trips to ATM machines or attempting to borrow money. Interventions were made when gambling problems were identified and if not, the systems in place would instigate an audit or management investigation.
- Concerns regarding the children of gamblers were understood by the applicant but compared to other gambling venues and opportunities such as online gambling, the premises offered more safeguards to protect people and those who are vulnerable.

- With the exception of Casinos, gambling premises did not usually have door supervisors. Should any underage people attempt to enter the premises this would be identified almost immediately. If a young person managed to access the premises and gamble, the amount gambled would be ascertained from the systems in place and a refund given. The premises would not be appealing to young people. The applicant would be amenable to a condition that included a specific risk assessment to monitoring the number of young people who had attempted to or gained access to the premises.

A West Yorkshire Police representative addressed the Sub-Committee with concerns and objections to the application. These included the following:

- The objection was made primarily on the grounds of potential for crime and disorder.
- There were four other gambling premises within one fifth of a mile and these caused a high level of demand for services.
- It was acknowledged that the applicant's other premises were well managed, but due to the nature of the area it was not felt that measures proposed would be sufficient control to prevent crime and disorder.
- There was concern that the proposed hours of opening were later than that of other gambling establishments in the area.
- In response to questions it was not felt that there were further measures that could reduce the potential for crime and disorder.

The Principal Licensing Officer addressed the Sub-Committee. The following issues were highlighted:

- The premises were situated in a vulnerable area and there was a need to protect children and vulnerable people.
- If the committee was minded to grant the application then it should apply the conditions offered by the applicant
- It was also felt that the following conditions would be necessary, reasonable and proportionate:
  - Hours of opening to be reduced to 09:00 to 22:00. This was a densely populated residential area and reduced opening hours would reduce harm to vulnerable people.
  - No single manning of the premises. Two members of staff to be present at all times during opening hours.
  - There should be an SIA registered Door Supervisor present at all time.
  - That the applicant works with NHS and Gamcare gambling clinics organisations and debt advice agencies.
  - That local initiatives be supported.
- The Sub-Committee also heard from a representative from the Financial Inclusion team. With regards to the protection of children, it was reported that following a survey that Bingo was the second most attractive form of gambling for children and twenty percent of children had participated in bingo.
- In response to questions, the following was discussed:
  - Children who gambled primarily accessed gambling on-line.

- It would be preferred to have a door supervisor present in addition to two other staff at the premises.

Local Councillors and residents addressed the Sub-Committee with objections to the application. These included the following:

- People congregated in the area around the premises including street drinkers and a multi-agency approach was being used to tackle existing problems.
- Local residents opposed the application – there were high levels of deprivation and vulnerable people in the area.
- Concern that vulnerable people would spend their money gambling instead of food and heating.
- The premises would not be in keeping with the area and other local businesses.
- The site were close to premises that provided support to vulnerable people and this application could jeopardise those operations.
- These premises would encourage crime, feed addiction and put young and vulnerable people at risk.
- There were already enough gambling establishments in Harehills which attracted trouble
- Harehills had a transient community with the associated problems of such a community. Residents were trying to get a more positive impression for the area.
- The application would lead to gambling addiction and compound already existing problems. This could lead to other issues including domestic violence.
- This kind of premises would encourage groups to gather and lead to problems including crime and anti-social behaviour.
- The premises could be used for money laundering.
- There were no known residents who were supportive of the proposals.
- As a council it was wanted to help young people thrive across the city. This application would expose young people to harm.
- The company already had five premises in Leeds, all of which were located in or near to deprived areas. Was it the business model of this company to target these areas?
- The location was a socially and economically challenging area and also had Public Space Protection Orders and was designated as Cumulative Impact Area.
- There were two primary schools within 500 metres of the premises.
- Granting of the application would exacerbate the existing issues in the area.
- It was not felt that the applicant's conditions would work in Harehills.
- The proposed closing time of midnight was not acceptable in a residential area.
- Even though the average stakes for gambling were low, this still encouraged people with little money.
- Local foodbanks were currently overwhelmed.
- Parking and congestion was a problem in the area which was also a main access to St James' Hospital.
- Low stakes gambling without limits were clearly aimed at younger people.

- The premises were in a civic area with other premises including libraries and health clinics. There had been many crime incidents where gambling premises were situated.
- The area was seen as a soft target and there would be no benefit to Harehills from this application.

The applicant's representative was invited to respond to the representations made and summarise the application. Issues highlighted included the following:

- Much of the representations have focussed on the fear of what might be – we have provided evidence of what actually is, both nationally and locally
- It was stated that the 5 others were in deprived areas – this would actually demonstrate that there have been no problems with these and some of these premises had been visited by the Police who had no concerns
- No evidence the premises will bring the kind of issues suggested.
- 35 conditions have been offered by the applicant to address those fears raised.
- There has never been a review of any of the applicant's other premises across the country.
- Under aged people will not be allowed in to the premises at any time.
- The premises would be exceptionally busy if there were 10 customers present at any one time.
- There was no access to the premises from the rear and the applicant was willing to have CCTV at the rear.
- There was no evidence that the premises would attract street drinkers.
- The premises operated in a different manner to betting offices and attracted a different kind of customer.
- The applicant would be happy to include some of the following conditions as proposed by the Principal Licensing Officer:
- The hours of operation were proposed to be until midnight. Planning permission was until 23:00. There was no evidence that customers who left other premises at 22:00 would arrive to continue gambling. It was not felt necessary to have a condition to close at 22:00.
- To have more than one staff present at all times would not be viable for the operation and was not the case at any of the other premises run by the client or at any of the betting offices in the Harehills area.
- There would not be any pre-planned single staffing after 8.00 p.m. and if after 10.00 p.m. for whatever reason there would only be one member of staff, the premises would close.
- There were no SIA registered staff at any of the other gambling establishments in the area. It was not felt necessary to impose that on this application.

In response to questions from the Sub-Committee, the following was discussed:

- It was acknowledged that the company's success was based on profit from gambling activity. There would be conditions to the application to protect those that were vulnerable from harm. It was recognised that these premises were in an area that was considered have a more vulnerable population and

that was why further to the applicant's research, a further 35 conditions to the application had been offered.

- The applicant would be willing to work with the Police Licensing Team and had made contact with them prior to submitting the application.
- The applicant was willing for any entry to the premises after 10.00 p.m. to be controlled via a video entry system.
- To satisfy the terms of a Bingo Licence the applicant had to make substantive provision for bingo to be played. This did not mean that bingo would be the primary form of gambling at the premises.

The Sub-Committee adjourned to private session to consider the application and representations made. Following the adjournment further questions to the applicant were asked. The applicant's representative confirmed that they would be willing to accept conditions that a quarterly audit with regard to customer and staffing levels be submitted to the Licensing Authority and that the terminal hour of operation should be 23:00 in line with the planning approval.

The Licensing Sub-Committee carefully considered the report of the Chief Officer, Elections and Regulatory, the Statement of Licensing Policy and the representations submitted and made at the hearing.

**RESOLVED** – That the application be granted subject to the following additional conditions and amendment to conditions offered by the applicant:

- That after 22:00 the maglock door locking device be in operation and entry to the premises be supervised by vide entry.
- That the premises close at 23:00.
- That a quarterly review of the patronage and risk assessment for staffing needs be submitted to the Licensing Authority on a quarterly basis.
- That condition 16 offered by the applicant (page 305) be amended to read: There will be a minimum of two staff after 20:00 and should staffing fall below this level for any reason then the premises will close.