

**WESTMINSTER CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**10<sup>TH</sup> December 2020**

**APPLICATION FOR BINGO PREMISES LICENCE**

**CASHINO GAMING LIMITED**

**182-184 EDGWARE ROAD, LONDON W2 2DS**

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## **SKELETON ARGUMENT ON BEHALF OF APPLICANT**

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### **Key:**

**Agenda papers page x = AP/x**

**Additional information pack Part 1 page x = AIP1/x**

**Additional information pack Part 2 page x = AIP2/x**

### **INTRODUCTION**

1. This is an application by Cashino Gaming Limited (“the applicant”) for a new bingo premises licence. The site is a former William Hill betting office, so in practical terms this application involves one gambling use replacing another.
2. The Sub-Committee has been presented with a large quantity of documents. The purpose of this skeleton argument is to help the Sub-Committee navigate the material by setting out some of the background to the application, addressing the representation made by the licensing authority, explaining the legal context under the Gambling Act 2005, and making brief concluding submissions.

3. In considering the application, the Sub-Committee may be particularly assisted by looking at the following documents:

- Witness statements:
  - Amanda Kiernan (AIP2/4)
  - Andy Tipple (AIP2/36)
  - Steve Ambrose (AIP2/38)
  - Stuart Jenkins (AIP1/6 and AIP2/42)
- Legal obligations to promote licensing objectives:
  - Gambling Commission's Licence Conditions and Codes of Practice applicable to non-remote bingo licences (AIP1/207)
  - Mandatory conditions attaching to bingo premises licences (AP/96)
  - Default conditions attaching to bingo premises licence (as proposed to be varied) (AP/97)
  - Proposed licence conditions for 182-184 Edgware Road (AP/97).
- Operational standards:
  - Cashino Gaming Limited General Operational Standards (AP/75).
  - Compliance and Social Responsibility Manual (AIP1/201).
  - Operational Manual (extracts) (AIP1/271).

### **BACKGROUND**

4. The applicant is part of the Gauselmann group, which is one of the most experienced providers of gaming premises on the high street across the UK, including adult

gaming centres and bingo premises. Players in high street bingo premises access bingo games through the use of tablets, which are increasingly replacing paper bingo cards as provided in large, flat-floor bingo halls.

5. As one would expect, the applicant and its sister companies have detailed systems for compliance with the law and promotion of the licensing objectives, which they implement through staff training and management programmes and supervise through area and national management oversight and independent audit.
6. Bingo premises are subject to a high degree of regulation in order to support the licensing objectives, including the following:
  - Premises and their management and operation are subject to the Gambling Commission's extensive Licence Conditions and Codes of Practice applicable to non-remote bingo operating licences.
  - Premises licences are subject to mandatory and default conditions set by the Secretary of State with the approval of Parliament.
  - The number of machines, the way they operate and their stake and prize limits, are strictly regulated through the Gambling Act 2005 (by Parliament), regulations (by the Secretary of State) and technical standards (by the Gambling Commission). For example, at least 80% of the machines in bingo premises have the same stake and prize limits as pub fruit machines, with 20% governed by the same limits as other high street gambling establishment (AGCs and betting offices).
7. In addition, the applicant has offered a raft of individual licence conditions as mentioned above, on the basis of which the Metropolitan Police withdrew its representation.

*The nature of high street bingo premises*

8. Gambling on the high street in Great Britain is dominated by betting offices, both numerically and in terms of environmental impact. As to numbers, betting offices

outnumber bingo premises 11:1 (7,315 v 642<sup>1</sup>). As to impact, betting offices can bring with them social issues, including street drinking and disorder and loitering outside. Hence, when an application is made for a bingo premises licence, it is sometimes thought, perfectly understandably, that it will bring with it the same kind of issues as arise at high street betting offices.

9. In fact, high street bingo premises in general and the applicant's in particular are completely different from betting offices in terms of local impact. It is therefore important to try to convey why the applicant's premises trade without regulatory concern.
10. *On arrival.* It is noticeable that groups do not loiter or gather outside high street bingo premises smoking, drinking, littering and importuning passers-by. The absence of such activity is not only observable empirically but is explained by several facts:
  - The customer demographic is different from betting offices. It is older and 50% female with customers coming in alone or with partners rather than in groups.
  - There are no "events" in bingo premises such as football matches or horse races and therefore no reason to hang around, and nowhere to cluster or socialise.
  - There are no general seating areas for people to gather inside. The premises are not fitted out for groups.
  - Alcohol is not only not sold but strictly prohibited.
  - Those under the influence of drugs or alcohol are not admitted.
  - Unlike in betting offices, staff are not behind the counter taking or paying out bets. They are there to greet customers as they enter, which also means controlling who is permitted to enter and effectively supervising the premises.
  - Good quality CCTV systems are fitted to the exterior of the premises and are monitored. Those outside know they are under surveillance. If loitering occurs, it is dealt with.
11. The effect on the streetscape is important. Those walking past high street bingo premises do not have to run the gauntlet of street drinkers or other groups, whether

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<sup>1</sup> Gambling Commission industry statistics.

during the school run, the evening or otherwise. Consistent and authoritative evidence on this topic is given by Gill Clulow, Steve Ambrose and Stuart Jenkins (an independent witness who has visited several of the applicant's London premises. PC Lewis also confirmed that from his knowledge, these kind of premises do not raise cause for concern from the Police (AIP2/39).

12. *Exterior appearance.* The facades of high street bingo premises are smart, well-maintained and spotlessly clean. It is not possible to see gambling taking place inside, unlike (for example) betting offices or pubs which admit children. There is no advertising on the exterior which might be attractive to children: this is strictly controlled by the Advertising Standard Authority's Codes of Practice which are translated into legally enforceable regulation by the Gambling Commission's Licence Conditions and Codes of Practice. The exterior contains signage explaining that Think 25 is operated, that alcohol is not permitted and that CCTV is in operation, alongside responsible gambling messaging.
13. *Upon entry.* Those entering will be greeted face to face by a uniformed member of staff. This is an opportunity to ascertain whether the customer may appear to be under 25 (in which case Think 25 is operated), or whether there may be any other issue such as inebriation, in which case the customer will politely be asked to leave. The staff member will ascertain whether the customer needs any other form of assistance. This interaction means that staff are aware of who is using their premises. Again, this is unlike betting offices where staff are behind a counter taking and paying out bets.
14. *Appearance.* Like the exterior, the interior of premises is clean, well-lit, comfortable and carpeted. Toilet facilities are provided. Responsible gambling messaging is prominently displayed throughout the premises and on the machines. Customer information leaflets are similarly prominently displayed, explaining where and how to obtain help with problem gambling.
15. *Participation.* Customers have an opportunity to play bingo on tablets, which includes being linked to a national game, and to play machines, the limits for which are set by law. During their stay they will be offered tea/coffee and snacks, and will often chat with the friendly staff. When they are finished playing they wander off with zero impact on the locality.

16. *Protection of vulnerable people from being harmed or exploited by gambling.* So far as vulnerable persons are concerned:

- Alcohol is not permitted in Cashino bingo premises.
- Those who are intoxicated through alcohol or drugs are not permitted on the premises.
- As required by the Gambling Commission's Licence Conditions and Codes of Practice, Cashino's systems include processes for customer interaction and self-exclusion, operated by trained staff. Interventions are recorded electronically so that they can be overseen by independent compliance auditors.
- Customers are encouraged to use a self-help, app-based tool named Play Right to assist them with managing their gambling behaviour.
- "Stay in Control" posters and leaflets with the GamCare helpline number are located prominently in the premises, including the WC. An example is at AIP2/35.
- All machines display responsible gambling messages with helpline contact details.
- To elaborate slightly, GB regulation of gambling premises places great focus on customer interaction, which the applicant takes extremely seriously. If a customer is showing signs of problem gambling, a trained staff member will interact with the customer. This may lead to a number of outcomes, including: customer opting to cease playing; self-referral to a care provider; self-exclusion; customer signing up for the applicant's Play Right app, or the customer being banned. Outcomes are recorded on staff tablets (along with other relevant events) which are then reviewed at national level to ensure that the conduct of individual staff members is correct. Interaction data is supplied to the Gambling Commission to ensure that the obligation is being met across the company. The applicant's approach to protecting vulnerable people is approved by the Gambling Commission through the operating licence and is

also internationally accredited (AIP2/16), while the staff training is accredited by Gamcare. (The applicant is amenable to local statutory or other bodies participating in the training to ensure that the local context is fully conveyed.) The applicant subjects itself to independent field-based audit, mystery shopping and test purchasing. It is also the subject of an annual assurance statement to the Gambling Commission.

17. *Protection of children from being harmed or exploited by gambling.* As regards this objective:

- Although children are entitled to enter bingo premises as a matter of law, children are not allowed in the applicant's premises.
- The exterior contains no advertising or marketing which might be attractive to children.
- Gambling cannot be seen from the outside unlike, say, in betting offices and sometimes pubs.
- The exterior (and the interior) contains prominent messaging stating that Think 25 is applied.
- Those entering are greeted by staff members, so that their appearance is checked immediately.
- Staff are required to log all Think 25 events on their tablets, with premises data checked by the applicant's audit department to ensure that the system is being properly operated.
- Third party age verification testing is conducted at least three times a year.

It is fair to report that the outward appearance, interior ambience, supervision, layout and product in bingo premises are not attractive to children, and its systems have proved more than effective to ensure that underage gambling is not an issue in Cashino premises. It is also right to mention that, trading on busy high streets nationally, premises are almost always in close proximity to fast food outlets attractive to children, but this has not proved problematic.

18. *Security.* As stated above, the applicant does not suffer significant issues with crime and disorder. This is a function of the customer demographic, the ban on alcohol and the nature of the product, but is also because of the measures taken by the applicant to prevent it:

- Staffing levels are set following a security risk assessment. In this case, the applicant will have no pre-planned single staffing after noon and no single staffing at all after 8 p.m. (proposed condition 7 and 15).
- Customer numbers are low, with usually only a handful of customers in the premises. Double digit numbers occur very rarely. This means that miscreant behaviour is immediately identified, recorded and dealt with.
- The layout of the premises facilitates effective supervision. There is no space for groups to gather.
- Staff members are on the trading floor, not behind a counter.
- Good quality CCTV is used throughout and customers are aware they are monitored.
- The use of Staff Guard which enables staff to use a portable alarm to liaise with a central security hub and SIA-licensed staff with audio and visual feeds, and for hub staff to speak directly with customers who therefore know they are being overseen. Staff Guard personnel can liaise directly with local Police if necessary.
- Staff members do not carry floats.
- Safes are time-delayed.
- Anti-money laundering systems are used on the machines.
- The locational and social context is part of induction training for all staff.
- Staff are also trained in how to deal with difficult customers (there is a 6 week training course at the outset followed by regular refresher training).

- Any incidents are logged on the tablet and reviewed at national level.
- Premises are fitted with maglocks, enabling entry to be controlled when necessary. In this case, the applicant has proposed a condition that the maglock will always be in use after midnight.
- The applicant maintains good liaison with local Police.
- It will also join any available Betwatch scheme.

### **THE REGULATORY RECORD OF THE APPLICANT**

19. In the previous section, we have briefly described the standard controls used by the applicant to provide a safe, welcoming and congenial environment for customers while also promoting the licensing objectives.

20. **That it does all of this to a standard of excellence is demonstrable:**

- **It has over 180 licences. It has been granted licences in every premises it has applied for.<sup>2</sup>**
- **It has never experienced a licence review.**

21. This is despite the range of areas in which the applicant operates, including some with higher social deprivation and other social issues. Its systems, staff training, compliance monitoring and audit have proved sufficient to ensure that the licensing objectives are promoted.

22. It is a record of which the applicant is proud and guards assiduously. In the very rare event of any kind of issue, Cashino will always liaise with relevant authorities to ensure that it is resolved promptly and effectively.

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<sup>2</sup> For completeness, there was one refusal in Blackpool but this was granted on re-application three months later following submission of further information.

## REPRESENTATION

23. In this case, the only extant representation before the Sub-Committee is from the licensing authority itself. It is not understood to amount to an objection or recommendation for refusal, as opposed to questions which the applicant should address.
24. It is hoped that setting out the matters raised and brief replies will demonstrate that the applicant has properly dealt with all relevant questions.

	Representation	Reply
1	What is the applicant's definition of vulnerability and what does it mean to their operation.	<p>The applicant works to the approach in the Gambling Commission's Guidance (para 5.17), which is also replicated in WCC's policy (para 13.4): "The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons' but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs."</p> <p>The applicant places protection of vulnerable people at the forefront of its operation, as set out above and below.</p>
2	The location must be considered as part of the application due to the local area profile and its potential to impact on the gambling objectives.	The applicant has conducted and updated a detailed risk assessment which takes full account of the characteristics of the location and sets out control measures, including licence conditions going beyond the Licence Conditions and Codes of Practice and the Mandatory and Default Conditions, together with the applicant's well-thought through operational measures, to protect the licensing objectives. Its record demonstrates that such protection is at the forefront of its operating model, not an incidental obligation.
3	How many sites does Cashino have and where they are located?	<p>Cashino operates over 180 licences nationwide. It operates in many large town and city centres, including challenging locations.</p> <p>It has 50 London premises as set out below although has recently been granted five further licences in</p>

		<p>Wandsworth, Barnet, Hounslow and Hackney. Its premises are:</p> <ul style="list-style-type: none"> <li>• 69 Tottenham Court Road</li> <li>• 107 Camden High Street, Camden Town</li> <li>• 297 Kentish Town Road, Kentish Town</li> <li>• 130 Kilburn High Road, Kilburn</li> <li>• 200 Cricklewood Broadway, Cricklewood</li> <li>• 19 The Concourse, Edmonton Green Shopping Centre</li> <li>• 12 The Broadway, Southall</li> <li>• 37-39 King Street, Southall</li> <li>• 847 High Road, North Finchley</li> <li>• 456 Holloway Road, Holloway</li> <li>• 65 Tooting High Street, London</li> <li>• 478 High Road, Wembley</li> <li>• 91 High Road, Wood Green</li> <li>• 304 Neasden Lane</li>   <li>• 123-124 Lower Marsh, Waterloo</li> <li>• 57 London Road, Morden, Surrey</li> <li>• 353-355 Walworth Road, Camberwell</li> <li>• 12 High Street, Croydon</li> <li>• 272 North End Road, Fulham</li> <li>• 97-99 Lewisham High Street</li> <li>• 110 Streatham Hill, Streatham</li> <li>• 63 High Street, Bromley</li> <li>• 92 High Street, New Malden</li> <li>• 65 Tooting High Street</li> <li>• 83-85 Powis Street, Woolwich</li> <li>• 48-50 Camberwell Church Street, Camberwell</li> <li>• 67/69 Rye Lane, Peckham</li> <li>• 152 High Street, Putney</li> <li>• 22 The Market, Wrythe Lane, Carshalton</li> <li>• 23-25 High Street, Sutton</li>   <li>• 795 High Street, Leytonstone</li> <li>• 157 High Street North, East Ham</li> <li>• 37 High Street, Hornchurch</li> <li>• 72-74 Bellgrove Road, Welling</li> <li>• 403-405 Green Street, Upton Park, Plaistow</li> <li>• 87 Whitechapel High Street, Aldgate</li> <li>• 211-213 High Road, Whitechapel</li> <li>• 368-370 Barking Road, Plaistow</li> <li>• 420 Bethnal Green Road,</li> <li>• 62 East Street, Barking</li> <li>• 92 South Street, Romford</li> </ul>
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		<ul style="list-style-type: none"> <li>• 25 The Broadway, West Ealing</li> <li>• 424 Greenford Road, Greenford, London</li> <li>• 458 Greenford Road, Greenford</li> <li>• 84-86 King Street, Hammersmith</li> <li>• 148 High Street, Hounslow</li> <li>• 237-239 High Street, Hounslow</li> <li>• 96-98 Uxbridge Road, Shepherds Bush</li> <li>• 49 The Broadway, Ealing</li> <li>• 157-159 High Street, Acton</li> </ul>
4	How are its sites operated and managed?	<p>The applicant has provided:  Cashino Gaming Limited General Operational Standards (AP/75).  Compliance and Social Responsibility Manual (AIP1/201).  Operational Manual (extracts) (AIP1/271).</p> <p>Its staff are subject to 6 week induction training and then twice-yearly refresher training.</p> <p>They are managed and monitored in four different ways:  By their own managers.  By area managers.  Through the data regarding the operation that they are required to enter on their smart tablets, e.g. age verification challenges, customers interactions, self-exclusions, incidents etc. This is monitored centrally.  Through independent audit of venues' performance.</p> <p>Each premises must comply with:  Licence conditions and codes of practice.  Mandatory and default conditions.  Individual licence conditions.  Other national rules, e.g. stake and prize limits on machines.</p> <p>The applicant is regulated by the Gambling Commission and is bound by the Licence Conditions and Codes of Practice. It is required to submit regulatory returns to the Gambling Commission, notify the Commission of key events and provide an annual assurance statement regarding its commitment at board level to the licensing objectives. It is also required to have personal licence holders occupying key functions. The applicant has over 50 personal licence holders in the organisation.</p> <p>The applicant goes well beyond legal requirements in several respects, e.g. the Play Right App, Socially</p>

		<p>Responsible Machine Messaging and its two national training centres.</p> <p>It has recently engaged with the gambling addiction support service Betknowmore who will be working alongside YGAM (a charity focussing on young people and gambling) to develop its face to face interaction training, including the use of former gambling addicts to facilitate parts of the training, which will be accredited by City and Guilds.</p>
5	Does the applicant have a referral scheme in place regarding self-exclusion?	Yes.
6	Is the onus on the individual to self-exclude?	<p>A customer may self-exclude of their own volition without any intervention. It is simply a question of signing a form.</p> <p>Staff are also trained to engage in customer interactions, during which the staff member may ask the customer to consider self-exclusion.</p> <p>Since the applicant is part of the multi-operator self-exclusion scheme, self-exclusion results in exclusion from all bingo premises nationally.</p> <p>If the staff member considers that the customer should not be gambling, s/he may bar the customer.</p>
7	What links does the premises have with local services to provide support?	<p>In terms of support, the applicant works with Gamcare, which is a national charity with resources and knowledge to provide the right assistance.</p> <p>However, the applicant will always liaise with local care providers as appropriate and as suggested by the licensing authority.</p>
8	Will the applicant advertise promotional material associated with the premises? This could encourage the use of the premises by children or young people.	No.
9	How will the applicant control customers bringing alcohol onto the premises to consume while gaming? Or	Signs banning alcohol are clearly posted on the exterior of the premises and the rule is strictly enforced. Staff greet customers when they come in. If they are intoxicated or carrying alcohol they are politely asked to leave. If they refuse, the Police will be called and they will be banned. These processes are

	entering the premises in an intoxicated state.	strictly complied with from day 1 and, because of this, cause no issues elsewhere.
10	How is Challenge 25 operated and checked? Will there be a staff member at the entrance of the venue? Will there be SIA door staff present?	<p>This is dealt with above. Any AV checks are conducted by staff who greet customers on entry. Numbers of customers are very low so this presents no difficulties. The number of staff is rostered following analysis of customer numbers during different days and times, to ensure that these obligations are complied with.</p> <p>The applicant has no licences requiring SIA door staff in its whole estate, because they are not required, given the demographic and numbers of customers, the general absence of crime and disorder and the fact that their premises are not generally attractive to young people.</p> <p>In these premises, the applicant will plan to double-staff the premises from noon onwards.</p>
11	What signage is placed on the windows and doors?	The applicant places prominent signage: regarding Think 25; stating that children are not permitted to enter; stating that CCTV is operation; stating that alcohol is banned and that smoking is prohibited, together with gamble responsibly messaging.
12	What training is given re identifying vulnerable people and providing support?	<p>The applicant has provided information as to the staff training regarding identification and support at</p> <ul style="list-style-type: none"> <li>- AP/36-42.</li> <li>- AP/77-82.</li> <li>- AIP1/171-199.</li> </ul> <p>The applicant's approach to training is approved by the Gambling Commission and Gamcare and has received international accreditation.</p>
13	Due to the location of the premises close to fast food premises, the authority expresses concern re the possibility of attraction of children and vulnerable people.	The applicant trades in busy high street locations both in London and nationwide, including many sites abutting dense residential areas and near to fast food premises, schools and care facilities. It always assesses local risks and reviews its assessment after opening, and liaises with relevant authorities. It monitors and audits the operation and makes any necessary changes in the light of experience. That it does so to a standard of excellence is reflected in the fact that it has never experienced a licence review. A significant number of its premises are close to McDonalds units and there is no evidence that this causes particular issues, e.g. with age verification, for all the reasons set out above.
14	Policy OBJ1: sufficient controls re crime and disorder.	As stated above, crime and disorder is a rare occurrence in high street bingo premises. There is no alcohol, no crowds, no flashpoints, no gathering

		places internally, and the premises have full CCTV coverage. Staff to customer ratios are high and staff walk the floor so that criminal conduct would always be noticed and recorded. The measures to prevent crime and disorder are set out above, and are supplemented in this case by suggested conditions 9-12 and 15-19, which were satisfactory to the MPS.
15	Policy OBJ1: layout, lighting and fitting out to be designed to minimise conflict and opportunities for crime and disorder.	The premises are well-lit, with full coverage CCTV (see AIP1/89) and laid out to facilitate effective supervision (see AIP1/88).
16	<p>Would the applicant consider reducing hours to 09:00 – 00:00?</p> <p>Are longer hours necessary?</p> <p>How many members of staff will be conducting age verification, being on a route to a school and next to a fast food outlet.</p>	<p>The default hours set by Parliament for bingo premises are:</p> <ul style="list-style-type: none"> <li>• Bingo 09:00 to 00:00</li> <li>• Gaming machines: 24 hours.</li> </ul> <p>The applicant seeks to change the default hours for bingo to:</p> <ul style="list-style-type: none"> <li>• Sun – Thur 07:00 to 01:00</li> <li>• Fri – Sat 07:00 to 02:00</li> </ul> <p>For comparison, in the near vicinity of the premises are the Grosvenor Victoria Casino and also The Little Vic Adult Gaming Centre, which each have 24 hour licences.</p> <p>The question of whether there is a need for the activities applied for is a statutorily irrelevant question under section 153 Gambling Act 2005.</p> <p>However, the applicant should make it clear that, unlike other types of licensed premises, it does not depend on large peaks of activity. Its ability to trade at all depends on being able to trade for long hours to service all the town centre users who may wish to use its facilities. It would not be able to proceed if the hours suggested by the licensing authority were imposed.</p> <p>The test in relation to hours is whether there is an evidenced necessity: see Gambling Commission Guidance para 9.28 (AIP1/137).</p> <p>Here, there is no evidence that longer hours will actually be harmful to the licensing objectives and the applicant’s extensive experience is that they are not. Furthermore, the Police have not maintained a</p>

		<p>representation.</p> <p>So far as late hours are concerned, the applicant does not experience the kind of crime and disorder experienced in and around pubs and clubs and in any case protects itself, its staff and customers from such issues. So far as school hours are concerned, its experience is that children are just not interested in trying to gain entry, and in any case it rosters sufficient staff to manage any such risk.</p> <p>If it should fail in its compliance responsibilities, the remedy of review is open, but this has never happened.</p> <p>The applicant strongly maintains that there is no evidence that a restriction of opening hours is necessary, but if the Sub-Committee considers it necessary, it would be prepared to consider 07:00 to 02:00 Monday to Sunday.</p>
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## **THE LAW**

25. As the Sub-Committee will be aware, each piece of licensing legislation sets out a different approach to the question of grant. The approach relevant to gambling is in section 153 of the Gambling Act 2005:

*“In exercising their functions under this Part, a licensing authority shall aim to permit the use of premises for gambling in so far as the authority thinks it:*

*(a) in accordance with any relevant code of practice [issued by the Gambling Commission]*

*(b) in accordance with any relevant guidance issued by the Commission*

*(c) reasonably consistent with the licensing objectives (subject to (a) and (b))*

*(d) in accordance with the [authority’s statement of licensing policy] (subject to (a) to (c).”*

26. The following points should be noted:

- a. The test is mandatory: *“a licensing authority shall ....”*

- b. The obligation to “*aim to permit*” where (a) – (d) are satisfied is described by the Gambling Commission in its Guidance as “*the licensing authority’s primary obligation*” (AIP1/136).
- c. The “*aim to permit*” is explained in the leading textbook Patersons (AIP1/137):

*“... it creates a presumption in favour of granting the premises licence since it is only if the licence is granted that the premises may lawfully be used for gambling. But the duty seems to go further than that. The verb ‘to aim’ is defined by the OED as meaning ‘To calculate one’s course with a view to arrive (at a point); to direct one’s course, to make it one’s object to attain. Hence to have it as an object, to endeavour earnestly....’ A person who ‘aims’ to achieve a result will usually take active steps to bring it about. The provision appears to place a duty upon the licensing authority to exercise their powers so far as is lawfully possible to achieve a position in which they can grant the premises licence and thus permit the premises to be used for gambling.”*

As the Gambling Commission Guidance says:

*“Licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through use of conditions”* (AIP1/135).

- d. Conditions should only be added where it is necessary to do so, and even then such conditions need to be proportionate to the circumstances requiring a response, relevant, directly related, fair and reasonable (AIP1/137).
- e. As the Guidance states: “*Any refusal should be for reasons which demonstrate that the licensing objectives will not or are unlikely to be met*” (AIP1/135) That means demonstrate by evidence.
- f. Conversely, the following considerations are legally irrelevant to the determination of an application for a premises licence:
- i. A dislike of gambling (AIP1/135).
  - ii. A general notion that it is undesirable to allow gambling premises in an area (AIP1/135).

- iii. Moral or ethical objections to gambling (AIP1/135).
- iv. The demand for gambling premises (see s 153 Gambling Act 2005). As such, objections which state that there are enough gambling establishments in a locality may be relevant to planning, but they are irrelevant to licensing.
- v. Planning considerations (see section 210 Gambling Act 2005).
- vi. Nuisance (see Guidance by Gambling Commission, AIP1/131).

## **SUBMISSIONS**

27. In the light of the above, the applicant's submissions can be stated very briefly:

- The applicant is a highly competent organisation, regulated by the Gambling Commission, and one whose corporate systems, staff training, management and audit are directed towards promotion of the licensing objectives.
- It is part of a group which operates 180 licensed gambling premises in a wide variety of locations of higher and lower deprivation and population density.
- Despite that, it has never experienced a regulatory review or prosecution.
- There is no evidence before the Sub-Committee that it has failed to promote the licensing objectives elsewhere.
- The type of premises, their customer demographic, the low numbers of customers simultaneously using premises and the quality of management mean that issues of crime and disorder are rare.
- It has actually traded, and continues to trade, at a large number of locations in London, of varying degrees of challenge and deprivation, without regulatory intervention or complaint.
- The premises, if licensed, will be subject to strict regulatory requirements, deriving from: the Licence Conditions and Codes of Practice; machine stake,

prize and numbers limits, and mandatory and default premises licence conditions.

- Following a risk assessment, the applicant has offered a set of 14 further licence conditions which are designed to protect the licensing objectives at this site in this location. The conditions were the basis of the withdrawal of the Police representation.
- The applicant has a strong track record of co-operation with local statutory bodies. In the unlikely event of an untoward consequence, Cashino Gaming Limited will work to resolve the issue promptly and efficiently.

28. For these reasons, it is submitted that the test in section 153 is fully met. Conversely, taking into account the competence and track record of the applicant (nationally and locally), its legal obligations under the Act, Regulations and codes, and the comprehensive suite of individual licence conditions to which it is proposing to submit, it has not been demonstrated that the licensing objectives are unlikely to be met.

29. Accordingly, the Sub-Committee is respectfully invited to grant the application as asked.

**PHILIP KOLVIN QC**  
**9<sup>th</sup> December 2020**

**11 KBW**  
**Temple EC4**