

## APPENDIX 2

### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1 ("THE COMMITTEE")

Thursday 10 December 2020

**Membership:** Councillor Heather Acton (Chairman), Councillor Jim Glen and Aziz Toki

**APPLICATION FOR A NEW GAMBLING PREMISES LICENCE IN RESPECT OF MERKUR CASHINO, 182-184 EDGWARE ROAD, LONDON W2 2DS [20/08155/LIGN]**

#### FULL DECISION

##### **Premises**

Merkur Cashino, 182-184 Edgware Road, London W2 2DS

##### **Applicant**

Cashino Gaming Ltd

##### **Cumulative Impact Area?**

Edgware Road

##### **Special Consideration Zone**

N/A

##### **Ward**

Bryanston and Dorset Square

##### **Summary of Application**

The application was for a new Gambling Premises Licence under the Gambling Act 2005 for premises at 182-184 Edgware Rd, London W2 2DS. The premises had been a William Hill Betting Shop prior to the surrender of its premises licence in August 2019. It was the Applicant's intention to turn the premises into a Bingo venue where bingo could be played on Bingo tablets, and Bingo Plus and Bingo Express terminals. In addition, provision would be made for non-remote Bingo to be played.

##### **Activities and Hours applied for**

A Bingo Premises Licence authorising the Premises to be used for the provision of facilities for the playing of Bingo and other gaming machine use.

The default hours set by the *Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007* are:

- Bingo: 09:00 hours to 00:00 hours
- Gaming Machines: 24 hours

The Applicant had sought to change the default hours for bingo to:

- Sunday to Thursday: 07:00 hours to 01:00 hours
- Friday and Saturday: 07:00 hours to 02:00 hours.

The Committee was advised that the Applicant if necessary was prepared to consider restricting its opening hours for all categories of gambling Monday to Sunday 07:00 hours to 02:00 hours.

### **Representations Received**

- Metropolitan Police Service (Bryan Lewis) (withdrawn)
- Licensing Authority (Michelle Steward)

### **Summary of issues raised by objectors**

- Minimal information has been provided showing how the premises would promote the licensing objectives;
- Clarification is needed on how the applicant defines a vulnerable person;

### **Policy Position**

There is no policy to refuse this application and so the matter will be determined on merit based upon the promotion of the licensing objectives. Policies BG01, OBJ1, OBJ2, OBJ3 and LOC1 apply under the City Council's Statement of Licensing Principles for Gambling.

## **DECISION AND REASONS**

Ms Donovan, Senior Licensing Officer, summarised the application as set out in the report before the Sub Committee, noting that it was an application for a new bingo premises licence for 182-184 Edgware Rd, London W2 2DS. Ms Donovan stated that representations had been received from the Licensing Authority and the Metropolitan Police Service (MPS). However, following agreement on proposed conditions with the Applicant, the MPS had withdrawn their representations. Additional information had been received from the Applicant and Ms Donovan stated that this information could be found in the Additional Information Packs 1 & 2. In addition, a skeleton argument prepared by Mr Kolvin had been circulated to Members and Officers. In conclusion, Ms Donovan noted that the premises were within the Bryanston and Dorset Square Ward and were within the Edgware Road Cumulative Impact Area (CIA).

Mr Philip Kolvin QC on behalf of the Applicant addressed the Sub Committee. He made the following eight points to the Sub Committee.

1. Cashino Gaming Ltd – Mr Kolvin noted that Cashino Gaming Ltd was one of the most experienced and largest operators of gaming on the high Street in the UK. The company was registered with the Gambling Commission and, therefore, its suitability as an operator was not in question. The company systems for promoting the licensing objectives were internationally accredited, as was the quality of its national, area and local management; and its staff training systems had been audited by the Gambling Commission and accredited by GamCare.
2. Premises – The Applicant had 180 premises across the country, 50 of them in London, and many in very challenging locations. The Applicant operated to an excellent standard, reflected in the fact that there had never been a license review of any of its premises. The company planned its operations according to the locality, trained its staff appropriately, liaised with the relevant authorities and responded to any potential issues identified at the outset of opening new premises or after having opened new premises. In addition, the company subjected itself to

regular audits by its field-based operatives; engaged independent mystery shoppers; and carried out test purchases.

3. Crime and Disorder – The Applicant’s premises were rarely on the Police radar as the premises rarely generated crime and disorder. The customer demographic was 50% female and the premises surroundings were comfortable with free tea, coffee and snacks, and staff walked around the premises, engaging with customers. The number of players at any one time tended to be very low with players coming in, often alone or in couples, playing the machines for a short while, having a drink, and then leaving. Customers did not loiter either inside or outside the premises. Staff were trained to monitor the outside of the premises and CCTV was deployed both inside and outside the premises. Any incidents were logged and reviewed at senior level and reporting lines were established with local police teams. These considerations and proposed conditions agreed with the Metropolitan Police Service (MPS) had resulted in PC Lewis deciding to withdraw the Police representation on the application. [PC Lewis had submitted a representation on the basis that the Police would require further information before deciding whether to maintain or withdraw its representation].
4. Sale of Alcohol – Licensed bingo premises were entitled to sell alcohol and to admit children. However, the Applicant chose not to do either of these things.
5. Council Policy – There was no presumption against licensing in particular locations within the Council’s relevant policy e.g., there was no equivalent of a Cumulative Impact Area policy and the policy was, in keeping with similar policies across the UK, a merit-based policy which asked applicants to demonstrate how they would promote the licensing objectives having regard to the sensitivity of the locality in which they propose to operate.
6. Legal Obligations – Should the licence be granted, the Applicant would be subject to extensive legal obligations arising from the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP); from mandatory conditions imposed by regulation on a bingo premises licence; the conditions offered by the Applicant (if agreed); and any conditions the Sub Committee might wish to add. [Mr Kolvin then summarised the conditions set out in the “Proposed Operational Conditions” on pages 40 & 41 of Additional Information Pack 2].
7. Representations by the Licensing Authority – The Skeleton Argument provided a response to the questions raised by the Licensing Authority, which could be categorised, as follows –
  - a. Does the Applicant manage gambling responsibly?

It was hoped, from the evidence presented, that the Sub Committee was of the view that the Applicant did manage gambling responsibly.
  - b. Did the Applicant export Crime and Disorder issues?

The evidence and operational history indicated that the answer was “No”. In addition, the Applicant had allowed Mr Stuart Jenkins, an independent witness, to have free rein to enter any of its premises and, having visited nine premises, Mr Jenkins had nothing untoward to report in terms of management or environmental impact.
  - c. Does it manage to prevent the import of children?

From its national history, the answer was “Yes”. Children were not attracted to enter the Applicant’s premises and there were competent controls in place to make sure children did not enter the Applicant’s premises.

The Applicant was committed to running a safe and lawful operation. If that required more or different resources than those implied by the Conditions, those resources would be made available in accordance with the periodic risk assessments carried out by the Applicant.

8. The Licensing Objectives – Addressing the Licensing Objectives –

- a. Ensuring gambling is kept free from crime and disorder;
- b. Ensuring gambling is conducted in a fair and open way; and
- c. Protection of children and vulnerable adults;

There was nothing in the history of the Applicant either nationally or locally or in London; or the content or style of its offer; or the layout of its premises; or its core demographic; or the training or supervision of its staff; or the kind of controls it applied or its systems of audit; or the views of the Police, which would suggest that to permit gambling here would harm the licensing objectives once the proposed Conditions were taken into account. The Applicant prized its commitment to the Licensing Objectives and liaison with the authorities and, if there ever were issues, there were well resourced systems in place to handle any issues speedily and effectively. In conclusion, Mr Kolvin respectfully asked that the Sub Committee approve the application.

In response to Member’s questions, Mr Kolvin provided the following information.

- a) The Applicant did not operate any premises in Westminster, the nearest premises being in Tottenham Court Road and in Camden.
- b) Mr Jenkins visited nine premises operated by the Applicant.
- c) The Bingo industry had developed the use of handheld tablet devices that could perform all the functions of a traditional game of bingo and allowed customers to continue to play as they moved around the premises. In addition, customers had the opportunity to play gaming machines. Referring to a plan of the premises, Mr Kolvin identified the location of the seated gaming machines (70) and where the bingo machines (20) were located on a rack for use by customers. Mr Kolvin described how the bingo machines, which had Category C and D content, operated, and the games that were available. Regarding the gaming machines, 18 were Category B32 gaming machines, which constituted 20% of the total number of playable machines in the premises.
- d) The tablets permitted a variety of Category C and D games to be played, but not Category B games. It was not possible to play bingo on the gaming machines, but customers could play Category B3, C and D games and only 18 allowed Category B3 (Adult) games to be played.
- e) The Applicant had looked at the sensitivities of the location including the types of premises that were there and the residential population and had analysed the crime data. In response, the Applicant had offered a staffing condition that went beyond the staffing provision in many of its other premises, Condition 7. In addition, there was a magnetic door locking system (Maglock) and each Member of Staff had a fob allowing them to instantly contact StaffGuard (Conflict Management System),

if necessary. No SIA conditions had been attached to any of the Applicant's premises licences. However, should anything untoward happen, the Applicant would employ SIA registered supervisors until such time as the issue had been resolved. Mr Kolvin stated that none of the Applicant's premises had ever been subject to review of its licence, the reason being that the Applicant would not allow anything that might put its staff or customers in danger. A combination of risk assessments, discussions with the Police and proposed conditions had all formed part of the present application.

- f) Regarding opening hours, the mandatory and default conditions were framed in such a way that the default hours for bingo were 09:00 hours to 00:00 hours and these hours could be varied. There were no default hours for gaming machines and if hours were not specified, the Applicant could allow customers to play gaming machines for 24 hours a day. The Applicant had sought to extend the hours for bingo from 7 AM to 1 AM or 2 AM depending on whether it was Sunday to Thursday or Friday to Saturday. The test for restricting hours was "necessity" rather than appropriateness or proportionality. If the Sub Committee did feel there was a need to restrict the hours, the Applicant had offered, in the skeleton argument, overall opening hours of 7 AM to 2 AM.
- g) Regarding staff training in relation to vulnerable people, it was noted that it was not possible to identify persons who might be problem gamblers or otherwise vulnerable by looking at them. Therefore, staff were provided with accredited training in observing customer behaviour and to look for indicators that might suggest vulnerability. If a Member of Staff identified a customer who may have a gambling problem, that Member of Staff would engage with the customer to ask if they wished to review their gambling. Other measures in place to protect vulnerable persons included independent field audits that were carried out on the Applicant's premises three times a year, and which included checks on what premises were doing to protect vulnerable people, and the knowledge and understanding of Members of Staff to determine if there was any requirement for training. The Applicant was also engaged with two gambling charities: YGAM, an educational charity to safeguard young people against problematic gaming and gambling; and Betknowmore, a gambling support service addressing problematic issues caused by gambling. In addition, the Applicant donated to gambling charities.
- h) Regarding local engagement and engagement with the Business Improvement District (BID), the Applicant was engaged with the Police and the Licensing Authority. If the licence was granted, the Applicant would routinely seek the guidance of the Licensing Authority in liaising with local organisations and, insofar as those organisations provided assistance and care, the Applicant would liaise directly with those organisations. In addition, as there was a six-week induction period before a premises opened, local organisations would be invited to participate in the training process and to impart local knowledge and information.
- i) Regarding the Edgware Road Cumulative Impact Area, the Applicant had carried out a detailed Local Area Risk Assessment which was at Page 70 of Additional Information Pack 1. The assessment had considered crime rates in both the immediate area and the wider area and the application had been discussed in detail with PC Bryan Lewis. [Mr Kolvin then detailed the discussions that had taken place with PC Lewis and the proposed conditions that had resulted from that

discussion and from consultation with the Council's advisers on Crime and Disorder].

- j) The inside of the premises would not be visible from the street. CCTV cameras would monitor activity outside the premises which was next to a McDonald's store where a lot of young people gathered as well as vulnerable young men of differing ethnicities. The front of the premises would display socially responsible messaging and signs would be clearly displayed stating that no one under 18 was permitted, under any circumstances, to enter the premises; that CCTV was in operation; that alcohol could not be brought into the premises; and that smoking was not permitted. Mr Kolvin stated that the Applicant was aware of the juxtaposition with the McDonald's premises next door. The premises would not be enticing to young people given its low-key interior; uniformed staff walking round the premises; and there being no opportunity to gather socially. However, should there be an issue of young people entering the premises, the Applicant would immediately address this concern.
- k) The different character of Betting Shops, Adult Gaming Centres (AGCs) and Bingo Premises meant that people were more likely to smoke outside betting shops. The very low number of customers in bingo premises at any one time, and the amount of time they spent there, meant that there was very little reason to stand outside the premises to smoke. Also, people who tended to gather on the street did not do so outside bingo premises.
- l) Regarding measures to prevent money-laundering, high specification technology in the gaming machines monitored the amount and frequency of transactions and alerted staff to suspect transactions or behaviour. To make the business profitable, it required a steady flow of customers over the course of a long period in any one day.
- m) Members of Staff would deal humanely with any homeless people they encountered, but homeless people would not be permitted to enter or remain on the premises or use the machines. Furthermore, homeless people were generally aware of the premises where they would not be given entry. Regarding those persons who were intentionally homeless and who had refused accommodation, Mr Kolvin acknowledged that homelessness was a complex matter and that the Applicant analysed each local area and was experienced in managing these types of social issue.

Ms Steward appearing on behalf of the Licensing Authority addressed the Sub Committee. She stated that the Licensing Authority had made representations in line with the Council's Policy BGO1(Bingo) which stated that applications and reviews would be determined subject to the relevant criteria in Policies OBJ1 to OBJ3, and other policies, including Policy LOC1 (Location Policy), within the Statement of Licensing Principles for Gambling.

Referring to Policy LOC1, which stated that – "*The sensitive location is defined as any premises which is within close proximity or on a main route to a school, educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling*"; Ms Steward noted that the proposed location of this new bingo venue must be considered as part of the application due to the local area profile and its potential to impact upon the promotion

of the gambling objectives. Specifically, Ms Steward referred to the mix of venues on Edgware Road, including retail, restaurants, pubs and a casino.

Ms Steward then referred the Sub Committee to Policy OBJ1, as set out in her representation, which stated that – *“To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations where relevant in determining applications”* [The representation then listed the criteria and considerations].

In response to these policy considerations and questions posed in the Licensing Authority’s representations, the Applicant had proposed a condition regarding staffing levels and had agreed several conditions with the Police. The Applicant had also provided further plans to show the location of the premises’ CCTV cameras.

Regarding Policy OBJ2, which requires that gambling must be conducted in a fair and open way, the Applicant had submitted additional information including operating procedures, training manuals and signage.

Referring to Policy OBJ3, which addressed protecting children and other vulnerable persons from harm or exploitation by gambling, Ms Steward noted that the definition of vulnerable persons included persons who gambled more than they wanted to gamble; people gambling beyond their means; and people who could not make informed decisions about their gambling due to mental impairment and/or the effect of alcohol and/or drugs.

In response to questions set out in the Licensing Authority’s representation about the definition of vulnerable persons, the Applicant had provided a definition that was in line with Westminster City Council’s policy. The Applicant had also submitted staff training guides in relation to vulnerable persons, self-exclusion forms, and contact details for local services and GAMCARE.

Ms Steward stated that the Sub Committee must also be satisfied that the Applicant had met all the requirements under Policy BG01 (Bingo). The Council’s “Statement of Licensing Principles for Gambling” stated that the reasons for Policy BG01 included – *“To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo can be played in any premises for which a premises licence is issued ...”* In conclusion, Ms Stewart stated that the Sub Committee must be satisfied that the Applicant had met all the requirements regarding Policy BG01. In summary, to avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance; to ensure appropriate weight was given to Policy OBJ3; to ensure that the duties of young persons aged 16 to 17 who may be employed by the premises were not connected with gaming or gaming machines; and that applications were determined subject to the relevant criteria of Policies OBJ1 to OBJ3.

In response to questions by Members, Ms Steward provided the following information. (a) It was for the Sub Committee to take into consideration the sensitivity of the location of the premises when determining the application.<sup>7</sup> (b) Regarding Policy BGO1 and the reasons for that policy, including “To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance”, an application must not exceed the gaming machine allowance.

## Conclusion

The Sub Committee appreciated that the Applicant had acted proactively and positively in making this application. Although the Metropolitan Police had initially made objected to the application on the basis that it would undermine the Licensing Objectives, this had been withdrawn following discussions between the applicant and the Metropolitan Police which resulted in the suggestion of further conditions.

Similarly, the Sub Committee were mindful of the fact that the applicant had addressed many of the concerns raised by the Licensing Authority's representation in their submissions.

The Sub Committee appreciated Mr Kolvin's summary of the approach to be taken under s. 153 of the Gambling Act 2005 in paragraphs 25 – 26 of his skeleton argument, which provided that:

*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 insofar 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 Paterson's12 (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 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 section 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).*

The Sub Committee were mindful of this effective “presumption” in favour of granting the premises licence insofar as it can be properly regarded, noting the express provisions of s. 153.

The Sub Committee considered that the licence, with conditions, complied with the relevant commission guidance, noting that the guidance states that authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. If the authority does decide that the only way to address a particular concern is through conditions it must be proportionate to the circumstances which they are seeking to address.

The Sub Committee were mindful that Policy OBJ1 required consideration of whether the premises will contribute towards crime and disorder in the area and whether the applicant has demonstrated that they had, or intended to, implement sufficient controls to prevent gambling from being a source of and / or associated with crime and disorder. In this instance, having regard to paragraph 10.1.5 of the Statement of Gambling Principles, the Sub Committee concluded that, as a result of the significant levels of crime late at night on Edgware Road, including money-laundering, as evidenced by the numerous conditions agreed between the Police and the applicant, the Sub Committee was of the view that it was necessary to restrict the hours of operation if the application was to meet the following Licensing Objective: “To prevent gambling being a source of, or associated with, crime and disorder”.

Of further relevance to the opening hours in the view of the Sub Committee was Policy OBJ3. Applying the criteria for policy OBJ3, set out at Paragraph 12.1 of the Council’s Statement of Gambling Principles: “Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling” and the relevant consideration set out at Paragraph 12.1.4 of the Statement of Gambling Principles: “Whether sufficient management measures are proposed or

are in place to protect children and other vulnerable persons from being harmed or exploited by gambling”; the Sub Committee was of the view that, if the application was to promote the following licensing objective – “To protect children and other vulnerable persons from being harmed or exploited by gambling”; it was necessary that the hours of operation be restricted to the hours that Mr Kolvin had suggested in his skeleton argument and that the Applicant would be prepared to consider i.e., 07:00 hours to 02:00 hours

Accordingly, the Sub Committee considered that, although they had concerns about the large number of gaming machines proposed for the premises, under the requirements of the Gambling Act 2005, and in accordance with the Gambling Commission’s “Licence Conditions and Codes of Practice”, it was correct to approve the application, subject to a restriction of the hours that the premises were authorised to operate and the added conditions, as agreed by the Applicant with the Metropolitan Police Service.

In reaching its decision, the Sub Committee noted that the default hours set by Parliament for bingo premises were:

- Bingo: 09:00 hours to 00:00 hours
- Gaming Machines: 24 hours

The Applicant had sought to change the default hours for bingo to:

- Sunday to Thursday: 07:00 hours to 01:00 hours
- Friday & Saturday: 07:00 hours to 02:00 hours.

The Sub Committee concluded that the conditions it has imposed on the Premises Licence would mitigate the concerns of all those that had objected and would therefore help to aim and permit the licensing objectives as indicated above.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for **a Bingo Premises Licence authorising the Premises to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act Sunday to Thursday 07:00 to 01:00 hours and Friday to Saturday 07:00 to 02:00 hours.**
2. To grant permission for the Hours the Premises are Open to the Public **Monday to Sunday 07:00 to 02:00 hours.**
3. That the Licence is subject to any relevant mandatory and default conditions.
4. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to comply with Section 153 of the Act. It is the Committee’s view that the Conditions imposed on the Licence and the various established policies and procedures in place by the Applicant and provided to the Committee in advance of the hearing, to include the promotion of responsible gambling and its day-to-day management of the running of the Premises would mitigate the concerns raised by the Licensing Authority in addition to the high level of regulation the Premises is already subjected to by the Gambling Commission.

## CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

5. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
6. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect -
  - (a) a casino premises licence;
  - (b) an adult gaming centre premises licence; and
  - (c) a betting premises licence other than a track premises licence.
7.
  - (1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.
  - (2) Any area of the premises to which category B and C gaming machines are located—
    - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
    - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
    - (c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3).
  - (3) The reference to supervision in this paragraph means supervision by -
    - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
    - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
  - (4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
8.
  - (1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.
  - (2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.
  - (3) The notice in sub-paragraph (2) shall include the following information—
    - (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
    - (b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a

- participation fee for entitlement to participate in that game; and
- (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
- (4) The notice may be displayed in electronic form.
  - (5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of “prize gaming”) applies.
9. (1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.
- (2) The condition in sub-paragraph (1) may be satisfied by—
- (a) displaying a sign setting out the rules,
  - (b) making available leaflets or other written material containing the rules, or
  - (c) running an audio-visual guide to the rules prior to any bingo game being commenced.
10. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

#### **DEFAULT CONDITIONS ATTACHING TO A BINGO PREMISES LICENCES**

11. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.

**As per the Applicant’s request this condition has been disapplied**

12. The condition in paragraph 1 shall not apply to making gaming machines available for use.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

15. Notices shall be prominently displayed within the premises stating that CCTV is in operation.
16. An incident log shall be kept at the premises and made available on request to an authorised officer of the Licensing Authority or the Police. Details to include:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any visit by a relevant authority or emergency service
  - g. any attempts by children and young persons to gain access to the premises to gamble
  - h. any Challenge 25 Refusals
  - i. any faults with the CCTV system
17. A Think 25 proof of age scheme shall be operated at the premises where any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises.
19. There shall be no pre-planned single staffing at the premises from 12:00 until closing and no single staffing from 20:00 until closing.
20. There shall be a fully operational magnetic door locking system (Maglock) available for staff use at all times.
21. If trading past midnight the Maglock will always be in use.
22. Individuals who are deemed to be under the influence of excessive alcohol or drugs shall be refused entry to the premises.
23. The licensee shall participate in local Betwatch or similar scheme, where available, to promote knowledge sharing within the local industry, with particular regard to local risk but also to promote best practice.
24. The licensee shall take reasonable steps to prevent nuisance directly outside of the Premises.
25. Notices will be prominently displayed in the premises requesting customers to leave quietly and respect the residential nature of the area.
26. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.
27. The appropriate staffing levels will be assessed by way of risk assessment and cognisance will be taken of any Police advice.

28. Third party testing on age restricted sales systems shall be carried out on the premises at least 3 times a year and the results shall be provided to the Licensing Authority upon request.
29. There shall be an external camera at the premises that shall have sufficient coverage of the premises frontage which will provide live images to staff in the service counter area.
30. The licensee shall not allow their logos or other promotional material to appear on any commercial merchandising which is designed for use by children.
31. The licensee will ensure through regular checks and intervention that customers children are not left unsupervised outside of the premises.
32. A magnetic lock device commonly referred to as a Maglock will be installed and maintained on the entrance/exit to the premises which will be operational by the ground floor staff.
33. If at any time (whether before or after opening of the premises), the Police or Licensing Authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises the licensee shall use all reasonable endeavours to implement the ban through staff training.
34. The licensee shall implement and maintain a policy of banning any customers who engage in crime, disorder or anti-social behaviour within or outside of the premises.
35. The Company's staff guard system shall be installed and maintained at the premises which allows direct communication with a central monitoring station permitting audio and CCTV communication.
36. The licensee will ensure that customers toilets are checked hourly for evidence of drug taking and a log/record kept for immediate inspection by the Police or Licensing Authority.
37. The licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the Police or Licensing Authority upon request.

If problems are experienced, then an application for a review of the Premises licence can be made.

**This is the Full Decision of the Licensing Sub Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
10 December 2020**