

Decisions of the Licensing Sub-Committee

9 February 2021

Members Present: -

Councillor Linda Freedman
Councillor John Hart
Councillor Alison Cornelius

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Linda Freedman be appointed Chairman for this Licensing Sub-Committee meeting.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed at the meeting.

5. REPORT OF TRADING STANDARDS & LICENSING MANAGER - MERKUR SLOTS, 48 GOLDERS GREEN ROAD, LONDON, NW11 8LL

The Sub-Committee considered an application for a New Bingo Premises Licence, under section 159 of the Gambling Act 2005 in relation to **Merkur Slots, 48 Golders Green Road, London, NW11 8LL**.

6. APPLICANT'S SUBMISSION

The Sub Committee took into consideration the information as provided in the applicant's submission.

7. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with the Gambling Act 2005.

8. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

9. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

1. This is an application for a bingo premises licence by Cashino Gaming Limited (the “**Applicant**”) for the premises known as Merkur Slots, 48 Golders Green Rd, London NW11 8LL (the “**Premises**”).
2. The Sub Committee had reviewed and considered all of the papers, including a 204 page bundle submitted by the Applicant. All committee members were in attendance throughout the hearing and could see and hear everything. The Applicant’s additional bundle included their Local Area Risk Assessments, which set out the local risks in and around the location of the Premises and how the Applicant would address the same in accordance with the licensing objectives and Barnet’s Statement of Principles in relation to the Gambling Act 2005.
3. Representations had been made by the three Ward Councillors on the basis of gambling being used a source of crime and disorder, or being used to support crime. These objections are set out in the Agenda documents.
4. During his oral representation Mr Kolvin QC, Counsel for the Applicant, highlighted the issues he contended the Sub Committee needed to consider when making its decision and asserted the objectors had not provided evidence to demonstrate that the licencing objectives would not be met by the Applicant. He argued that there would be no negative impact on the licencing objectives because of the product the Applicant was offering, the way the Premises are managed, the staff training they have and because their clientele is reportedly a slightly older demographic with a higher female proportion of customers.
5. It was stated that the Police had been consulted prior to the application being submitted and the Applicant had accepted additional conditions proposed by the Police as part of their application. An email from the Police dated 2nd December 2020 was included in the Agenda documents that confirmed that in view of the proposed additional conditions, they would not be making a formal representation. Those conditions include additional provisions regarding the installation and operation of a CCTV system, the operation of a “think 25” proof of age scheme with appropriate signage, the installation and use of a maglock device on the main entrance /exit, an intruder alarm and panic button facility system as well as an incident log. Staffing levels are also to be assessed by way of a risk assessment and any police advice.
6. The Applicant states that they generally have between 5-12 customers in these types of premises at any one time. In response to further questioning, Mr Kolvin QC

explained that although the customer numbers were relatively low at any one time, there was a quicker turnover of customers.

7. It was also stated that the Applicant has 180 licences across the country, including in deprived areas, and that they have often found that fears over crime and disorder or anti-social behaviour that are expressed by people when the Applicant submits a gambling application are not realised after the premises have opened. It was asserted that their premises are unlike a betting shop where people may gather and loiter during events or before and after events, both inside and outside their premises, and therefore less likely to cause a public nuisance. Mr Kolvin QC repeated that children will not be allowed to enter in to or to see in to the Premises and referred the Sub-Committee to the fact that there were no representations against the Application from any of the responsible authorities. Alcohol will not be served in the Premises and is stated to be prohibited from same. The Applicant generally operates on the basis that they pre-plan to have 2 members of staff on duty from 20:00 until close.
8. The proposed floor plan of the Premises suggests there will be good visual observation of customers throughout the Premises, which will be aided by CCTV. The statements and documentation provided by the Applicant sets out its approach to managing the Premises and its measures to deal with the licensing objectives. In relation to the protection of vulnerable people, those measures include self-exclusion, the use of self-help app-based tools, staff training, interaction with customers and signs in the Premises of support services that are available.
9. Councillor Ryde attended on behalf of himself and his fellow Conservative councillor and stated that he had been approached by many people, including locals and faith leaders who were very concerned about the Application and who were against the same. He referred to a planning application submitted by the Applicant for the Premises that he said had received around 200 objections. He acknowledged that planning is a different issue but said he was raising this as he considered this demonstrated the concerns and objections of locals to the Premises, which included issues of crime and disorder as well as concerns they will have a detrimental effect on the local area. He also referred to the fact that the area in which the Premises are located are covered by a public space protection order (PSPO) due to anti-social behaviour in that area.
10. In relation to the representations made by the three Ward Councillors, they assert that anti social behaviour follows these establishments and that the Applicant has not

done enough to show that their policies will address the issues of crime and disorder, but they have not provided any evidence in support of these representations. In relation to Councillor Ryde's comments at the hearing regarding the PSPO, the planning application and comments made to him by residents in relation to this licencing application, these issues were not part of the written representations that the three Ward Councillors had previously submitted and was therefore new information that went beyond the scope of their written representations. Even if they were within the scope of the representations, there was no evidence produced in support of these assertions and none of the local people who apparently made complaints to the Councillors submitted their own representations to the Licensing Authority.

11. With regard to those valid representations made by the objectors, the Sub Committee does not consider these provide sufficient evidence that the grant of this application would be contrary to any of the issues the Sub-Committee is required to consider under s.153 of the Gambling Act 2005, that any additional conditions need to be added or that the licensing objectives will not, or are unlikely to be met.
12. Having considered all of the representations and issues, the Sub-Committee has therefore decided that the application, with the additional conditions agreed between the Applicant and the Police, is consistent with the matters set out in s.153 of the Gambling Act 2005 and is therefore approved.

Right to Appeal

13. If the Applicant, or a person who made representations in relation to this application, is aggrieved with the decision of the Licensing Panel, they may appeal to the Magistrates' Court within 21 days beginning with the day on which they receive notification of this decision.

10. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8pm.