

**TITLE: APPLICATION FOR A NEW BINGO PREMISES LICENCE****ITEM #****Committee**

Licensing Sub Committee

**Officer Contact**

Mark McDermott, Licensing Officer 01895 277262

**Papers with report**

- Annex 1 – Application form & Supporting Information
- Annex 2 – Representation – Licensing Authority
- Annex 3 – Representation – Cllr Janet Gardner & Cllr John Oswell
- Annex 4 – Representation – Cllr Scott Farley
- Annex 5 – Representation – Hayes Town Partnership
- Annex 6 – Representation – St. Anselm's Church, Hayes
- Annex 7 – Representation – Ms Susan Chick
- Annex 8 – Representation – Ms Genevieve Hibbs
- Annex 9 – Representation – Mr John McDonnell MP
- Annex 10 – Representation – Hayes Town Business Forum
- Annex 11 – Representation – YMCA, St Pauls Group
- Annex 12 – Representation – Mr Ocen Patric
- Annex 13 – Licensing Officer queries, response from Applicant
- Annex 14 – Metropolitan Police comment
- Annex 15 – Map of the Area

**Ward(s) affected**

Botwell

**SUMMARY**

To consider representations in respect of a new Bingo Premises Licence for premises at 58 Station Road, Hayes, UB3 4DF. The Application has attracted representations from one responsible authority and ten interested parties.

**RECOMMENDATION**

The Licensing Sub-Committee grant the licence but show due consideration to adding conditions to uphold the licensing objectives.

**1.0 INFORMATION**

1.1 An application for a new gambling premises licence, to offer Bingo facilities, was received by the Licensing Service on 3rd June 2020.

The applicant is;

Cashino Gaming Limited  
1A Seebeck House  
Milton Keynes  
MK5 8FR

A copy of the application form and supporting information comprising of plans, local risk assessment and an operational risk document is annexed to this report as **Annex 1**.

1.2 In accordance with the legislation, the applicant sent notice of the application to the responsible authorities being:

- The Gambling Commission
- The Metropolitan Police Service
- H M Revenue & Customs
- London Fire & Emergency Planning Authority
- Child Protection Service, LBH
- Environmental Health Authority, LBH
- Trading Standards Service, LBH
- Planning Authority, LBH

Representations were received from the following Responsible Authorities;

- Licensing Authority – **Annex 2**

1.3 The application was advertised in accordance with the standard procedures required by the Gambling Act 2005 by way of an advertisement in the local paper and the display of a notice in at the premises for the required 28 day consultation period. The application was also posted on the council's website.

Following the advertisement of the application, the following representations were received from Interested Parties;

- Cllr Janet Gardner, Ward Councillor – **Annex 3**
- Cllr John Oswell, Ward Councillor – **Annex 3**
- Cllr Scott Farley, Ward Councillor – **Annex 4**
- Mr David Brough, Hayes Town Partnership – **Annex 5**
- Fr. Matthew Cashmore, St. Anselm's Church, Hayes – **Annex 6**
- Ms Susan Chick – **Annex 7**
- Ms Genevieve Hibbs – **Annex 8**
- Mr John McDonnell MP – **Annex 9**
- Mr Ajaib Singh Puar, Hayes Town Business Forum – **Annex 10**
- Mr Harry McKeown, YMCA St Paul's Group – **Annex 11**
- Mr Ocen Patric – **Annex 12**

1.4 The period for consultation and the making of representations in respect of this application expired on 1<sup>st</sup> July 2020.

1.5 The applicant has made a standard premises licence application for a bingo licence and has chosen not to exclude the default condition in respect of times of operation.

- i. No facilities for gambling shall be provided on the premises between the hours of midnight and 9am.
- ii. The condition in paragraph 1 shall not apply to making gaming machines available for use.

1.6 The applicant has an Operating Licence issued by the Gambling Commission to provide bingo facilities.

1.7 A map of the local area is attached as **Annex 15**.

## 2.0 OFFICER'S OBSERVATIONS

2.1 This is an application for a Bingo Premises Licence under Section 159 of the Gambling Act in respect of Merkur Slots situated at 58 Station Road, Hayes, UB3 4DF. The premises are in Hayes Town Centre and were previously an electrical retail shop. As the name suggests the proposal is not for a traditional bingo hall style premises but to provide bingo facilities via bingo terminals and bingo tablets to provide facilities for bingo.

2.2 I made some enquiries with the applicant's solicitor regarding:

- The types of machines/terminals and category type, the expected ratio and any further information on how the bingo terminals work.
- Will the premises employ door staff and will staff/they receive training with regard to vulnerable/under age/unruly customers?
- The proposed hours of operation in light of the fact that there has been no application to remove the default conditions what are the proposed hours.

Please see response at **Annex 13**

2.3 It should be noted that:

- The available machines will be a combination of B3, C and D products, subject to the legislative limits (only 20% of the total machines made available on site may be category B).
- Generally the applicant does not employ door staff across the estate as they are not required due to the customer demographic and nature of the gaming services provided. They also try to foster relationships with local police and neighbours with a high standard of staff training.
- Subject to planning or any other restrictions the applicant would like to retain the flexibility to have the potential to operate to 1.00/2.00am the following day although due to the electronic nature, machines could be played at any time.

## 3.0 Representations:

3.1 The applicant company has an operating licence issued by the Gambling Commission so there are no issues regarding the suitability of the applicant

3.2 The number of other gambling premises in the vicinity is not a consideration as Licensing Authority may not have regard to demand.

3.2 The Metropolitan Police did not submit a formal representation in relation to this application, however, they did make observations in an email sent in response to our enquiries, Their comments can be found in **Annex 14**

## 4.0 Planning permission

4.1 A planning application by Cashino Gaming Ltd (trading as 'Merkur Slots') for the change of use from a retail shop use to an Adult Gaming Centre (Sui Generis) was refused on 22 July 2020. I have been informed by the Applicant's Solicitor that they intend to appeal this decision. Please note that Planning and Licensing matters should be treated as completely separate regimes, as per Section 210 of the Gambling Act 2005:

- i. In making a decision in respect of an application under this Part a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.
- ii. A decision by a licensing authority under this Part shall not constrain any later decision by the authority under the law relating to planning or building.

## **5.0 Relevant Sections of Guidance Issued by The Gambling Commission**

### **5.1 Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:**

**At paragraph 5.3** it states that *“Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. For example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the licensing authority should think about what, if any, controls might be appropriate to prevent those premises being associated with or used to support crime. That might include conditions on the premises licence, such as a requirement for door supervisors. The requirement for conditions might be determined by the operator’s own risk assessment or the local area profile carried out by the licensing authority, as detailed in Part 6.”*

**At paragraph 5.8** it states that *“In relation to preventing disorder, licensing authorities have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act...”*

**At paragraph 5.10** it states that *“Licensing authorities do not need to investigate the suitability of an applicant for a premises licence, including in relation to crime. The issue of suitability will already have been considered by the Commission, because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued...”*

### **5.2 Objective 2: Ensuring that gambling is conducted in a fair and open way**

**At paragraph 5.11** it states that *“Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence..”*

### **5.3 Objective 3 : Protecting children and other vulnerable persons from being harmed or exploited by gambling**

**At paragraph 5.13** it states that *“In exercising their powers under s.153, licensing authorities should consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling. The Commission would expect the operator and the licensing authority to work together to consider how any impediments to the supervision of premises might be most appropriately remedied...”*

**At paragraph 5.14** it states that *“Where a licensing authority considers the structure or layout of premises to be an inhibition or potential inhibition to satisfying this licensing objective, the licensee should consider what changes are required to ensure the risk is mitigated. Such changes might include the positioning of staff or CCTV, the use of floor-walkers and the relocation of the staff counter to enable direct line of sight.*

*Licensing authorities will need to consider the proportionality of changes to the physical layout in relation to other measures that could be put in place.”*

**At paragraph 5.15 it states that** *“If the operator fails to satisfy the licensing authority that the risks are sufficiently mitigated, it may be appropriate to conduct a review of the premises licence.”*

**At paragraph 5.17 it states that** *“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.”*

**At paragraph 5.18 it states that** *“Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk that is reflected in the licensing authority’s statement of policy. Any such considerations need to be balanced against the authority’s objective to aim to permit the use of premises for gambling.”*

#### 5.4 **S.153 principles**

**At paragraph 5.20 it states that** *“Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with this Guidance, any relevant Commission code of practice, its own statement of policy, and the licensing objectives.”*

**At paragraph 5.21 it states that** *“In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or this Guidance, and its own statement of policy or view as to the application of the licensing objectives, the structure of s.153 makes it clear that the Commission’s codes and this Guidance take precedence.”*

**At paragraph 5.22 it states that** *“In determining applications for premises licences, the Act explicitly sets out two principles that licensing authorities should not have regard to:*

- - i) *s.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application*
  - ii) *s.210(1) of the Act states that ‘in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building’.*

## 6.0 **Relevant Sections of the Gambling Policy Issued by The London Borough of Hillingdon**

### 6.1 **Interested Parties**

**At paragraph 1.25 it states that** *“Interested parties can make representations about licence applications, or apply for a review of an existing licence. (See annex A with regard to Councillors making representations). For the purposes of the Gambling Act 2005 interested parties will include persons who:*

- i) *Live sufficiently close to premises carrying out gambling activities.*
- ii) *Have business interests that might be affected; and*

iii) *Represent persons listed above.*"

**At paragraph 1.27 it states that** *"Each case will be decided upon its merits. We will not apply a rigid rule to our decision-making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown."*

**At paragraph 1.28 it states that** *"Interested parties can include trade associations and unions; and residents' or tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Within the meaning of the Act, interested parties can also be persons who are democratically elected such as Councillors and MPs"*

**At paragraph 1.29 it states that** *"Generally, the principles we will apply when deciding whether or not a person is an interested party will include looking at the size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities and the nature of the activities being conducted on the premises. As to the different elements of the definition of "Interested Party", the Licensing Authority will take into account the following specific matters of principle:*

**At paragraph 5.41 it states** *"With regard to segregation of Category B and C machines from Category D machines, there is a requirement that there must be clear segregation between these types of machine so that children do not have access to Category B or C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State."*

## **6.2 Persons living "Sufficiently Close"**

**Paragraph 1.30** *The Licensing Authority recognises "sufficiently close to be likely to be affected" could have a different meaning for, for instance, a private resident, a residential school for children with problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its individual merits.*

**Paragraph 1.31** *In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities the Council may take account of the:*

- i) Size of the premises.*
- ii) Nature of the premises.*
- iii) Nature of the authorised activities being proposed.*
- iv) Distance of the premises from the person making the representation.*
- v) Characteristics of the complainant.*
- vi) Potential impact of the premises.*

## **6.3 Persons with business interests likely to be affected**

**Paragraph 1.32** *With regard to those persons with business interests that could be affected, the Licensing Authority will (in addition to the factors set out in paragraph 1.38 above) need to be satisfied that the relevant business is indeed likely to be affected and the following factors will therefore be taken into account:*

- i) The 'catchment' area of the premises (i.e. how far people travel to visit);*
- ii) Whether the person making the representation has business interests in that catchment area that might be affected.*
- iii) Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.*

## **6.4 Persons/bodies representing persons named above**

**Paragraph 1.33** *With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will include trade associations and unions.*

**Paragraph 1.34** *Where a Councillor represents an interested party, in order to avoid conflict of interest, the Councillor cannot be part of the Licensing Committee dealing with the licence application. When in doubt, Councillors are asked to contact the Council's Legal Services to gain further advice."*

## **6.5 Social Responsibility**

**At paragraph 2.15 it states that** *"When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children or vulnerable young persons from being harmed or exploited by gambling, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc..."*

**At paragraph 5.6 it states** *"The Council appreciates that gambling can be an emotive subject but acknowledges and endorses the Gambling Commission Guidance that "moral objections to gambling are not a valid reason to reject applications for premises licences " (except as regards any "no casino resolution") and also that unmet demand is not a criterion for a Licensing Authority."*

**At paragraph 5.7 it states** *"We recognise that the responsibility for an individual's gambling is his or her own and that the responsibility to exercise a duty of care lies with the site operator. However, the Licensing Authority recommend applicants for Adult Gaming and Family Entertainment Centres to consider adopting BACTA's Code of Social Responsibility and Good Practice and where gaming machines are concerned, applicants are recommended to adopt BACTA's Code of Practice for AWP's in Family Entertainment Centres and Adult Gaming Centres."*

**At paragraph 5.8 it states** *"Where there are age restrictions on entry to certain premises, the Licensing Authority recommends applicants consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy."*

**At paragraph 5.9 it states** *"We also recognise that most customers are able to enjoy and control their gambling, however, where there are those who are unable to control gambling, the Licensing Authority recommends that applicants adopt BACTA's and GamCare's Site Self-Exclusion Policy for those particular clients to request their exclusion for a fixed period."*

## **6.6 Location**

**At paragraph 2.25 it states** *"When determining the location of proposed gambling facilities, this Licensing Authority in appropriate circumstances, will have regard to any Local Risk Assessment detailed in this policy and will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:*

- i) Proximity of premises to local schools.*
- ii) Proximity of premises to centres that pose a high risk to vulnerable and young persons.*
- iii) Proximity of premises to residential areas where there is a high concentration of children and young people.*

**At paragraph 5.19 it states** *“The Gambling Commission Guidance stipulates that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can.”*

**At paragraph 5.20 it states** *“In accordance with the Gambling Commission’s Guidance for Local Authorities, this Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.”*

## **6.7 Conditions**

**At paragraph 5.24 it states** *“Any conditions attached to licences will be proportionate and will be:*

- i) Relevant to the need to make the proposed building suitable as a gambling facility.*
- ii) Directly related to the premises and the type of licence applied for;*
- iii) Fairly and reasonably related to the scale and type of premises: and*
- iv) Reasonable in all other respects.”*

**At paragraph 5.28 it states** *“Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below.”*

**At paragraph 5.29 it states** *“This policy acknowledges that there are conditions that the licensing authority cannot attach to premises licences:*

- i) Any condition on the premises licence which makes it impossible to comply with an operating licence condition.*
- ii) Conditions relating to gaming machine categories, numbers, or method of operation.*
- iii) Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).*
- iv) Conditions in relation to stakes, fees, winning or prizes.”*

**At paragraph 5.40 it states** *“The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:*

- Proof of age schemes.*
- CCTV – this should be of sufficient quality that it will use evidence.*
- the provision of entrances/machine areas*
- physical separation areas*
- location of entry*
- notices/signage*
- specific opening hours*
- self exclusion schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask be barred from certain premises*
- provision of information leaflets/helpline numbers for organisations such as GamCare*

*This list is not mandatory, nor exhaustive, and is merely indicative of example measures that the Council can consider implementing.”*

## **6.8 Door Supervisors**

**At paragraph 5.30 it states** *“The Gambling Commission advises in its Guidance for local authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.”*

**At paragraph 5.31 it states** *“This policy recognises that door supervisors at bingo or casino premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority does not have specific requirements for door supervisors working at bingo or casino premises. Each case will be determined on its individual merits.”*

## **6.9 Bingo Premises**

**At paragraph 5.35 it states** *“Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.”*

**At paragraph 5.36 it states** *“The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Where bingo is permitted in alcohol licensed and non-gambling premises, this must not become a predominant commercial activity; otherwise a bingo operating licence will be required.”*

**At paragraph 5.37 it states** *“Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.”*

**At paragraph 5.38 it states** *“In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.”*

**At paragraph 5.39 it states** *“The Licensing Authority recognises that there is no ban on children or young people having access to Bingo premises, that it is illegal for Under 18s to play or use Category B and C machines and that they cannot be employed in providing facilities for gambling or bingo premises. In any event, children under 16 cannot be employed in any capacity at a time when facilities for playing bingo are being offered. 16 and 17 year olds may be employed while bingo is taking place provided the activities on which they are employed are not connected with the gaming or gaming machines. Where children aged 16 and 17 are employed in bingo premises, the Licensing Authority would expect to see sufficient controls restricting access to Category B and C machines.”*

**At paragraph 5.40 it states** *“A limited number of gaming machines may also be made available at Bingo licensed premises. A list of categories of gaming machines is on page 32. Where category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:*

- i) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.*

- ii) Only adults are admitted to the area where these machines are located
- iii) Access to the area where the machines are located is supervised.
- iv) The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- v) At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.”

#### 6.10 NUMBER OF GAMING MACHINES BY PREMISES TYPE:

TYPE	GAMING MACHINES
BINGO PREMISES	<p>MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4.</p> <p>NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES</p>

#### 7.0 LEGAL IMPLICATIONS

7.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. Section 1 of the Gambling Act 2005 creates three licensing objectives:

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1. Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
2. Ensuring that gambling is conducted in a fair and open way, and
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling

7.2 An application for a new premises licence may be made pursuant to s.159 of the Act.

7.3 Where relevant representations are made and not withdrawn, the Licensing Authority must hold a hearing to determine the application, unless all are agreed that such a hearing is unnecessary s.162 (2)

7.4 Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licensing authority, frivolous or vexatious s.162(3) Gambling Act 2005.

7.5 The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties will include persons who:

- (i) Live sufficiently close to premises carrying out gambling activities;
- (ii) Have business interests that might be affected; and
- (iii) Represent persons listed above.

All applications will be decided on a case by case basis.

7.6 Following a hearing, the Sub-Committee must consider all relevant representations, and having taken into account the promotion of the licensing objectives, under s.163 Gambling Act 2005, a decision can be taken to either:

- i) Grant the application for the Premises Licence subject to the mandatory conditions and default conditions (pursuant to sections 167 and 168 of the Act) or;
- ii) Grant the application for the Premises Licence subject to the mandatory conditions but excluding specific default conditions AND/OR attach additional conditions. An additional condition may apply to the premises generally or only in relation to a specified part of the premises;
- iii) Reject the application

7.7 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to being reasonably consistent with the Licensing Objectives; the Human Rights Act 1998; any relevant code of practice under Section 24 of the Gambling Act 2005; any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005; and this Statement of Policy. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.

7.8 Section 153(1) of the Act provides that licensing authorities should aim to permit the use of premises for gambling in so far as they think it:

- i) in accordance with any relevant code of practice under section 24;
- ii) in accordance with any relevant guidance issued by the Gambling Commission under section 25;
- iii) reasonably consistent with the licensing objectives; and
- iv) in accordance with the authority's statement of licensing policy.

## 7.9 **Statutory aim to permit gambling**

The guidance issued by the Commission states at Paragraph 1.19:

*"The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, insofar as it is considered to be reasonably consistent with the licensing objectives.*

*The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether."*

7.10 Section 153(2) of the Act goes on to state that in *"determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide"*.

7.11 In respect of the imposition of Conditions by the Licensing Authority, Section 169 (4) states that a *"licensing authority may not attach a condition to a premises licence which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted"*.

7.12 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- i) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- iii) Foster good relations between persons who share relevant protected characteristics and persons who do not.

7.13 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics examples are; race, sex, age, disability, gender reassignment and religious beliefs.

7.14 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review

7.15 Interested parties, Responsible Authorities and the Applicant have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.