

LICENSING SUB-COMMITTEE

Wednesday 6 November 2024

Present:-

Councillors Haigh, Sheridan and Snow

Also Present

Legal Advisor, Principal Licensing Officer, Apprentice Solicitor and Democratic Services Officer (PMD)

1 APPOINTMENT OF CHAIR

Councillor Snow was appointed as Chair for this meeting.

2 DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3 APPLICATION FOR A NEW BINGO PREMISES LICENCE

The Chair introduced the Members of the Licensing Sub-Committee together with the Legal Advisor, Apprentice Solicitor, Principal Licensing Officer and Democratic Services Officer. The Legal Advisor set out the hearing procedure and the Applicant's representatives, who were in attendance, agreed that the procedure was understood.

The Licensing Officer presented the application to grant a Bingo Premises Licence at 47 – 48 Sidwell Street, Exeter, EX4 6NS as set out in the report.

The application included a plan of the proposed new licensable area and the Applicant had included additional conditions in the application to promote the Licensing Objectives. It was confirmed that the application had been advertised on the premises and in the local newspaper in accordance with the requirements of the Gambling Act 2005, with the last date for representations being 12 August 2024.

It was confirmed that three representations had been received objecting to the Application relating to the Licensing Objectives of protecting children and other vulnerable people from being harmed or exploited by gambling, preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime and ensuring that gambling is conducted in a fair and open way. The representations were from three residents. The representations were listed in an appendix to the report.

The Applicant's representatives spoke in support of their application and responded to questions from Members and the Legal team.

Representations were made by a member of the public against the application.

All parties present were advised that a Decision Notice would be issued within five working days of the hearing.

The meeting was closed so that the Members could determine the application.

RESOLVED that the application be granted as applied for, subject to conditions for the reasons set out in the formal decision notice attached.

(The meeting commenced at 10:00am and closed at 12.55pm)

Chair



GAMBLING ACT 2005

NOTICE OF DETERMINATION

Date of Hearing:	6 November 2024
Application:	Application by Merkur Slots UK Ltd for a Bingo Premises Licence
Name of Premises:	47-48 Sidwell Street
Address:	47-48 Sidwell Street, Exeter, EX4 6NS
Licensing Sub-Committee:	Councillor M Snow (chair) Councillor A Sheridan Councillor L Haigh
Committee Legal Advisor:	Timothy Leader Max Murphy
Principal Licensing Officer:	Nigel Marston
Democratic Services Officer:	Pierre Doutreligne
The Applicant:	Merkur Slots UK Ltd (represented by Gerald Gouriet KC)
Representations:	Cllr Tammy Palmer (in attendance); and Barry Mitchell and Jennifer Spence (in writing)
Hearing Duration:	10am until 12.55pm

TAKE NOTICE:

That the Licensing Sub-Committee convened on 6 November 2024 to determine an application by Merkur Slots UK Ltd for a Bingo Premises Licence in respect of premises at 47-48 Sidwell Street, Exeter EX4 6NS under the Gambling Act 2005.

THE SUB-COMMITTEE'S DECISION:

The Application was granted as applied for subject to the Schedule of Conditions annexed to this notice.

In determining this application, the Licensing Sub-Committee took account of the written and oral evidence of the Applicant and interested parties and the response to consultation by the Responsible Authorities, the Gambling Commission's Licence Conditions and Codes of Practice for Bingo Premises; the Gambling Commission's Guidance to Licensing Authorities; the Gambling Licensing Objectives and the Licensing Authority's Statement of Gambling Policy 2022-2025.

Schedule of conditions

The Application is granted subject to the mandatory and default conditions specified in Parts 1 and 2 of Schedule 2 of the Gambling Act 2005 (Mandatory and Default Conditions)(England and Wales) Regulations 2007 and recorded at page 37 of the agenda to the Sub-Committee dated 6 November 2024.

In addition, with the agreement of the Applicant, after considering the evidence the following conditions were imposed by the Licensing Sub-Committee, being judged necessary, reasonable and proportionate for the purpose of preventing gambling from being a source of, or associated with, crime and disorder.

- (1) A comprehensive CCTV system shall be installed and maintained on the premises in accordance with the requirements of the licensing authority. The CCTV should cover the following:-
 - (a) All entry and exit points to and from the premises and both sides of Sidwell Street for a distance of 25m in each direction from the entry and exit points.
 - (b) The areas of the premises to which the public have access (excluding toilets)
 - (c) Gaming machines and counter areas.
- (2) The CCTV shall continue to record activities 24 hours a day for 31 days.
- (3) CCTV shall be made available to the police and licensing authority at any time when requested.
- (4) From the date the premises are operated as bingo premises the Applicant shall every 6 months submit to the Licensing Authority a report which records any incident associated with the use of the premises between the hours of 12 midnight and 9.00am, any management or other steps that were taken to prevent their reoccurrence, and the effectiveness of that action.

REASONS FOR DECISION

Having carefully considered the written and oral submissions of the Applicant, particularly its social responsibility, operational compliance and training documents, and its operational record; the oral and written representations of the interested parties, especially in respect of the social and economic characteristics of Sidwell Street and the immediately surrounding area, its residents and persons who frequent it; and the response to consultation of the Responsible Authorities, the Licensing Sub-Committee was satisfied that the grant of a premises licence subject to the conditions imposed on it would be in accordance with s.153 of the Gambling Act 2005 and more particularly would accord with the relevant Codes of Practice, Guidance, the Licensing Authority's Statement of Gambling Policy and the Licensing Objectives.

RIGHT OF REVIEW

A review of this licence by the Licensing Authority may be initiated by the Licensing Authority on its own initiative or by a third party being a Responsible Authority or by an interested party in relation to the premises.

RIGHT OF APPEAL

The Applicant and any person who made representations on this application may appeal to the Exeter Magistrates' Court within 21 days of their receipt of this decision.

Any Appeal is commenced by a notice addressed to:

The Clerk to the Justices, North and East Devon Magistrates' Court Office, Southernhay Gardens, Exeter, EX1 1UH Telephone 01392 415300.

Parties are advised to contact the court office to check the form of notice required and the fee payable.

The Chair of Licensing Sub Committee



Councillor Martyn Snow

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