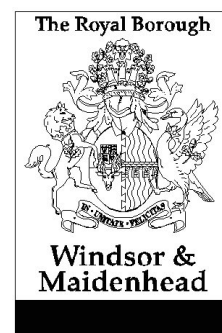


Please reply to: Robert Cowan
Direct Line: 01628 796310
Email: robert.cowan@rbwm.gov.uk



Mr Brian Minihane
William Hill Organisation Ltd
William Hill
236 Dedworth Road
Dedworth
Windsor
SL4 4JR

9 February 2015

Dear Mr Minihane,

APPLICATION FOR A PREMISES LICENCE (LP 09/14) UNDER THE GAMBLING ACT 2005.

I write to formally advise you of the decision of the Licensing Panel that met on the 2 February 2015 at the Guildhall, Windsor to consider your application for a premises licence under the Gaming Act 2005 for the premises to be known as William Hill, 236 Dedworth Road, Dedworth, Windsor.

The Sub-Committee, after very careful consideration, decided that the application for a premises licence be granted subject to the following conditions:

The Mandatory licence conditions:

- (1) The conditions specified in paragraph (2), (3) and (4) shall be attached to every premises licence;
- (2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises;
- (3) The layout of the premises shall be maintained in accordance with the plan;
- (4) The premises shall not be used for –
 - (a) The sale of tickets in a private lottery; and
 - (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited
- (5) In this regulation –
 - (a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and

(b) A “customer lottery” has the same meant as in Part 3 of schedule 11 to the Act 2005.

Additionally the following mandatory conditions applicable to betting premises licences (other than tracks) be applied:

- (1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every at every entrance to the premises;
- (2) Access to the premises shall be from a street or from other premises with a betting premises licence;
- (3) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premise and other premises used for the retail sale of merchandise or services;
- (4) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting;
- (5) Any ATM made available for uses on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so;
- (6) No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purpose –
 - (a) Communicating information about, or coverage of , sporting events, including
 - i. Information relating to betting on such an event; and
 - ii. Any other such matter or information, including an advertisement, which is incidental to such an event
- (7) No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises;
- (8) No music or dancing other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5;
- (9) (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises;

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises; and

- (10) A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

The Default Condition:

- No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next.

Reasons:

The Sub-Committee was advised that it had to reach its decision with regard to the Principles set out by section 153 of the Gambling Act 2005.

This says:

“ (1) 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 think it–

(a) in accordance with any relevant code of practice under section 24,

(b) in accordance with any relevant guidance issued by the Commission under section 25,

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

(d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) 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.”

In accordance with this the Sub-Committee considered the written submissions provided by you, Officers of the Council and objectors. The Panel also heard oral evidence provided from the following:

- Mr Alan Barwise (Team Leader - Licensing at the Royal Borough of Windsor & Maidenhead),
- Brian Minihane (Applicant)
- Richard Taylor (Representative for the Applicant)
- Councillor Wisdom Da Costa (Objector)
- Doctor Katie Simpson (Witness for the Objector)

The Sub-Committee did not find any evidence sufficient to justify refusing the license in terms of the three licensing objectives set out under the Gambling Act 2005.

The Sub-Committee noted that no representations had been made by the responsible authorities which were the police, environmental health officers, fire officers, planning officers, the Child Protection Agency, the Gambling Commission, HMRC and the Licensing Authority.

The Sub-Committee considered the representations made by Councillor Da Costa both verbally and his written submission of 8th January 2015. It also took account of the evidence of Dr Simpson in support of that representation. Further, the representations of the other members of the public who wrote in which were contained in pages 36 – 41 of the bundle were also considered.

In respect of Cllr Da Costa's representation the Sub-Committee found that much of this dealt with the principle of gambling and the hazards that can arise from gambling itself. In relation to that, the Sub-Committee was advised that this should not be given any weight as the legislation and guidance require the Sub-Committee to concentrate on the actual application before it. Therefore, it has concentrated on the evidence that relates to the application and the premises concerned. The representations concentrated on the three licensing objectives. Of these, Sub-Committee was of the view that only the third objective of protecting children and other vulnerable persons was in anyway engaged by the evidence.

Briefly, there was no evidence of there being crime and disorder associated with these premises. There was no evidence of crime and disorder being linked to the existing betting premises in the local area and it was noted that the police, as the responsible authority, had not made representations.

There was no evidence that gambling was or would be conducted in a less than fair and open way being the second objective.

In respect of the third objective the Sub-Committee was of the view that there was some evidence to consider.

There was reference to a report by Haringey Council regarding the clustering of betting shops in Haringey. There was some debate as the definition of "clustering" during the hearing. On reflection, the Sub-Committee is of the view that whatever the situation was in Haringey it was not relevant to the matter before it which was the consideration of the situation in Dedworth.

What was of interest to the committee was the evidence of Cllr Da Costa and Dr Simpson regarding the vulnerable persons in the area such as those suffering from drink drug and mental health problems. It was noted that there are support groups that meet in the vicinity of the proposed premises. The nearest being some 200 yards from the proposed premises and within sight of it.

However, there was no evidence that there are support groups that meet in respect of problem gamblers in the immediate area.

The Sub-Committee considered the point as to whether the existence of such support groups for drink, drug and mental health problems that near to the premises could provide evidence of being harmed or exploited by gambling by granting a licence to the premises in this location. Whilst this could, in theory, provide such evidence the Sub-Committee was not satisfied that this was sufficient for it to refuse the licence. The Sub-Committee was particularly persuaded of this point by the fact that another existing betting premises is almost as close to the location of the support groups and there have been no reported concerns. Hence in fact, in this location there was no evidence of problems arising from a gambling premises near to where these support groups meet.

The other fact that could provide evidence to give the Sub-Committee cause for concern before granting the licence is the fact that some schools are located near to the premises. This was particularly raised, aside from Cllr Da Costa, by the other members of the public who wrote in with objections. However, the premises will have safeguards in place through conditions of the licence that should ensure that there is little risk of harm to children arising from this mere fact of proximity. Further, the Sub-Committee notes that the premises are not allowed to open until 9 am and therefore only open at the end of the school day thereby reducing the risk.

Therefore, whilst grateful for the representations made by Cllr Da Costa and the other members of the public the Sub-Committee was of the view taking into account the requirements of Parliament and subsequent Guidance that it should grant a premises licence.

In passing, the Sub-Committee noted some allegations in the written and to a lesser extent, verbal representations of Cllr Da Costa that the premises does not constitute a “primary” gambling premises. All the evidence presented indicates that the premises will be used as a primary gambling premises in that it has all the other facilities to be expected of such a premise with the addition of up to four B2 machines, as it is entitled to under legislation.

The Sub-Committee considered whether to impose a condition on the licence regarding the operation of the B2 Machines that the Applicant is entitled under law to operate. These machines are Fixed Odds Betting Terminals, which it heard have drawn considerable concern in the media. The Sub-Committee was greatly re-assured by the Applicant’s information that the machines to be installed in the premises would be of a type that would allow customers to limit their gambling by self-imposed limits of money and time. Further these limits would be notified to staff to enable them to monitor the customer. If it had an unfettered discretion the Sub-Committee would have imposed this by Condition.

However the Sub-Committee was advised that such a condition would be unlawful pursuant to s172(10) which prevents a condition being placed with respect to gaming machines that contradicts, or is of a kind prohibited by, any provision of the detailed Regulations that govern such machines. Further the Statutory Guidance warns, at paragraph 9.32, against any condition being placed against the method of operation of gaming machines. In any event the Sub-Committee were advised that any decision

has to be evidence based and as explained above in respect of the reasons for rejecting the objections it did not have sufficient evidence to find that it is necessary (as advised by the Guidance at paragraph 9.28) to impose such a condition.

Therefore, with regret the Sub-Committee had to accept this advice, but expresses an expectation that the Applicant will install machines to the standard represented at the hearing.

It also had conditions suggested to it by Cllr Da Costa in his written submissions at pages 27- 29 of the Bundle. The Sub-Committee noted that Cllr Da Costa did not, unlike the Applicants, have the benefit of legal representation and it appreciated the care and detail of his submissions. However on considering the suggested conditions the Sub-Committee was of the view that none could be imposed.

Firstly suggested conditions 4,5 and 10 are not conditions as such dealing with either complaints about the process (which were not in the Sub-Committee's view made out) or aspirations as to enforcement in the future by the Royal Borough. The remaining suggestions are also rejected both on the basis that the Sub-Committee has decided that it cannot impose the Condition dealt with above, in that the requirements of the suggestion have already been regulated for elsewhere, or there is insufficient evidence to justify that they be imposed.

In making their decision, the Sub-Committee also had regard to the Council's own Licensing Policy.

The Licensing and Enforcement Manager will be sent a copy of this decision letter, and those parties who made representations at the meetings held on the 2 February 2015 will also be informed of the Sub-Committee's decision.

I must advise you that you may appeal against this decision to the Magistrates Court within 21 days of receipt of this letter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Majeed', written in a cursive style.

Councillor Majeed
Chairman of the Licensing Panel Sub-Committee