

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 17th November 2020

Subject: Gambling Act 2005
Application for a Premise Licence (Bingo Premise)
Merkur Slots, 377 – 379 Harehills Lane, Leeds, LS9 6AP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Burmantofts and Richmond Hill		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of Main Issues

This is an application for a new Bingo Premises Licence for a premises at 377 – 379 Harehills Lane, Leeds, LS9 6AP, to trade under the name of Merkur Slots.

This application was originally scheduled for hearing on the 15th October 2020, but adjourned at the request of the applicant's representation due to witness availability. In order to discuss the adjournment a meeting was held by the licensing sub-committee members due to consider the application. Members unanimously agreed to an adjournment of the application.

1.0 Purpose of the Report

- 1.1 To advise Members of an application made under Part 8 of the Gambling Act 2005 (the Act) for the grant of a Premises Licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2.0 History of Premises

2.1 This is the first application under the Act for the said premises.

3.0 The Application

3.1 The application has been made by Cashino Gaming Ltd, Seebeck House, 1A Seebeck Place, Knowlhill, Milton Keynes, MK5 8FR.

3.2 The premises are located at 377 – 379 Harehills Lane, Leeds, LS9 6AP.

3.3 A copy of the application can be found at Appendix A.

3.4 A plan showing the extent of the licensed premises and the proposed internal layout will be circulated to the Licensing Sub Committee in advance of the hearing.

3.5 A map which identifies the location of these premises is attached at Appendix B.

3.6 The Act requires notice of the application to be served on the responsible authorities, advertised in a local newspaper and displayed on the premises where it can be conveniently be read by members of the public from the exterior of the premises for a period of no less than 28 consecutive days.

4.0 Local Risk Assessment

4.1 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees (except for those which hold betting licences for tracks) to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

4.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments to consider the urban setting, to show how vulnerable people, including people with gambling dependencies, are protected, to show how children are to be protected and other matters such as CCTV coverage, the premises layout etc.

4.3 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

4.4 Members attention is drawn to a copy of the local risk assessment and supporting information provided by the applicant at Appendix C of the report.

5.0 Representations

5.1 Under the Act representations can be received from responsible authorities or interested parties.

5.2 For the purpose of this Act, the responsible authorities are:

- Licensing Authority
- Gambling Commission
- Fire and Rescue Authority
- HM Revenue and Customs
- Safeguarding Children Board
- West Yorkshire Police
- Planning and Development Services
- Environmental Health Services

5.3 For the purpose of this Act, interested parties are a person who:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities;
- (c) represents persons in either of these two groups.

5.4 The authority may determine whether representations made are vexatious or frivolous, or will certainly not influence the authority's determination of the application.

Representations from Responsible Authorities

5.5 Representations to this application have been received from the Licensing Authority and West Yorkshire Police in their capacities as responsible authorities.

5.6 The representation made by the Licensing Authority expresses concerns regarding the highly ranked deprivation of the area and the potential impact/accessibility by vulnerable persons. A copy of this representation can be found at Appendix D.

5.7 A Sergeant for the Local Neighbourhood Policing Team has made representation to this application, providing an account of the impact local gambling establishments have had on his team. Member's attention is drawn to a copy of this representation at Appendix E of the report.

Representations from Interested Parties

5.8 The applying premises is located close to the ward boundary and it has attracted representations from all six elected members of the Gipton and Harehills ward and the Burmantofts and Richmond Hill ward. Additionally, the application has attracted a total of 14 individual representations from members of the public, all of which oppose the application entirely. The grounds for representations are namely that the licensing objective of 'protecting children and other vulnerable persons

from being harmed or exploited by gambling', will be undermined should this application be granted.

5.9 In order to protect the personal details, redacted copies of the representation can be found at Appendix F. Original copies will be provided to the Licensing Sub Committee in advance of the hearing.

6.0 Principles to be applied

6.1 The Act (s153) sets out that the licensing authority, in exercising their functions, shall aim to permit the use of premises for gambling in so far as the authority thinks it:

- (a) in accordance with any relevant code of practice under section 24 of the Act (Gambling Commission Codes of Practice);
- (b) in accordance with any relevant guidance issued by the Commission under section 25 (Gambling Commission Guidance to Licensing Authorities);
- (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 s 349 of the Act (Statement of Licensing Policy – Gambling Act 2005) (subject to paragraphs (a) to (c)).

6.2 The Gambling Commission Codes of Practice as mentioned above describes the arrangements that should be made by a person providing facilities for gambling for the purpose of:

- (a) ensuring that gambling is conducted in a fair and open way;
- (b) protecting children and other vulnerable persons from being harmed or exploited by gambling, and
- (c) making assistance available to persons who are or may be affected by problems related to gambling.

6.3 The codes may also include provision about how facilities for gambling are advertised or described.

6.4 A copy of the Gambling Commission's Codes of Practice (consolidated for all forms of gambling) March 2013, is attached at Appendix G for members information.

6.5 The Act (s153(2)) also sets out that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which are proposed.

7.0 Planning Permission

7.1 Members should note that in accordance with Section 210 of the Gambling Act 2005, any decision made by the 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 planning or building.

7.2 It should also be noted that a decision by the licensing authority under this part shall not constrain any later decision by the authority under the law in relation to planning or building.

8.0 Licensing Objectives

8.1 The licensing authority should carry out its function under the Act with a view to promoting the 3 licensing objectives:

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

9.0 Mandatory and Default Licence Conditions

9.1 The Secretary of State provides for mandatory conditions (s167) and default conditions (s168) to be attached to specified premises licences.

9.2 The default conditions for a bingo premises licence set out the opening times which are:

- a. Subject to paragraph b, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.
- b. The condition in paragraph a, shall not apply to making gaming machines available for use.

9.3 The application does not propose to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case. A copy of the mandatory and default conditions applicable to a bingo premises can be found at Appendix H.

9.4 Section 169 of the Act provides for that where a licensing authority issue a premises licence they may:

- (a) attach a condition to the licence;
- (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168 (default conditions).

9.5 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.

10.0 Operating Licence

10.1 A premises licence may not take effect unless the applicant is in possession of an operating licence issued by the Gambling Commission. This will be specific to the gambling activities to be carried out.

10.2 It is confirmed that Cashino Gaming Limited do hold the relevant operating licence.

11.0 Gaming Machine Limits

11.1 In addition to authorising the provision of betting facilities, a bingo premises licence allows for the provision of gaming machines of the following categories:

Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 and no limit on category C or D machines.

Machine Categories:

Category of Machine	Maximum Stake	Maximum Prize
*B2	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D – various)	Ranging from 30p to £1	Ranging from £5 to £8 and £50 for crane grab

*The B2 is not a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal. These machines generally appear in licensed betting offices, have touch screen displays and look similar to quiz machines. They normally offer a number of games, roulette being the most popular.

12.0 Primary Gambling Activity

12.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

12.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
- only adults are admitted to the area where the machines are located

- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

13.0 Equality and Diversity/Cohesion and Integration

13.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the Gambling Act 2005.

14.0 Options available to Members

14.1 The Licensing sub-committee must take such of the following steps as it considers necessary with a view to promoting the licensing objectives and in accordance with the principles as set out at paragraph 6 of this report, and:

- Grant the application as applied for
- Grant the application and exclude any default conditions
- Grant the application with conditions provided these do not contravene s169(4) of the Act and prevent compliance of the Operating Licence, or mandatory conditions.
- Refuse the application

15.0 Appendices

Appendix A:	Copy of application
Appendix B:	Area map
Appendix C:	Local risk assessment and supporting information
Appendix D:	Licensing Authority representation
Appendix E:	West Yorkshire Police representation
Appendix F:	Public representations
Appendix G:	Gambling Commission's codes of practice
Appendix H:	Mandatory and default conditions

16.0 Background Papers

- Gambling Commission Guidance to Licensing Authorities 5th Edition September 2015 (section 25 of the Act)
- Leeds City Council Statement of Licensing Policy 2019-2021 – Gambling Act 2005 (section 349 of the Act)
- Gambling Act 2005