

Report to:	LICENSING PANEL
Relevant Officer:	Sarah Chadwick, Licensing Officer
Date of Meeting :	26 June 2020

APPLICATION FOR A NEW BINGO PREMISES LICENCE – MERKUR SLOTS, 40 ABINGDON STREET, BLACKPOOL, FY1 1DA

1.0 Purpose of the report:

1.1 To consider an application for a new Bingo Premises Licence under the Gambling Act 2005 for Merkur Slots, 40 Abingdon Street, Blackpool, FY1 1DA.

2.0 Recommendation(s):

2.1 The panel are requested to determine the application.

3.0 Reasons for recommendation(s):

3.1 This application must be determined by a panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council’s approved budget? Yes

3.3 Other alternative options to be considered:

None, once an application is submitted and representations received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 17 March 2020 the Licensing Service received an application from Cashino Gaming Ltd for a new Bingo Premises Licence for Merkur Slots, 40 Abingdon Street, Blackpool.

4.2 The application requests the licence to be granted for the default hours for a bingo premises, i.e. 09.00 to midnight, for permitted gaming (bingo). There are no restrictions on the hours in which gaming machines may be made available for use.

4.3 In the application Cashino Gaming Limited are described as operating “a national estate of licensed bingo arcades which include the provision of Bingo Plus and Bingo Express terminals.”

4.4 Two representations have been received from interested parties who operate businesses in the vicinity of the proposed premises who have expressed concerns about the impact of the proposed premises on vulnerable persons in the town centre.

4.5 **Local policy considerations**

As the representations raise concerns in relation to vulnerable persons, section 4.8 – General standards for all gambling premises - is relevant:

“High standards are expected from operators of gambling premises within the Borough to ensure the promotion of the licensing objectives. The licensing authority will place a high priority on social responsibility. In exercising its statutory powers, the authority will have due regard, where relevant, to the need to:

- Prevent gambling related problems in individuals and groups at risk of gambling addiction;
- Promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
- Protect vulnerable groups from gambling related harm.

The licensing authority will consider, in relation to any particular premises, whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the authority’s objective to aim to permit the use of premises for gambling.”

It should be noted that complaints about nuisance cannot be resolved through the Gambling Act 2005.

4.6 **National policy considerations**

5.18 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 policy statement. Any such considerations need to be balanced against the authority’s objective to aim to permit the use of premises for gambling.

5.31 Licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. In determining applications for premises licences and permits, a licensing authority may

request as much information as it requires to satisfy itself that all the requirements set out at s.153 of the Act are met.

4.7 **Observations**

When considering applications made under the Gambling Act the licensing authority's primary obligation is to permit the use of premises for gambling in so far as it thinks that is:

- In accordance with the relevant codes of practice issued by the Gambling Commission;
- In accordance with the guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's statement of licensing policy

Further to the representations being received, on 28 May 2020 the applicant's solicitors, Poppleston Allen, provided some comments by email in relation to the concerns raised and gave further information about the operator, Cashino Gaming Limited. A request was made to determine the application without the need for a hearing on the grounds that the representations made "will certainly not influence the Authority's determination of the application" as per S162 of the Gambling Act 2005. That request was declined in favour of the application being determined by a Licensing Panel hearing.

A copy of that email is attached.

There are a number of mandatory and default conditions which attach to a bingo premises licence if granted:

Mandatory Conditions

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect –
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence other than a track premises licence; and
3. (1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.
(2) Any area of the premises to which category B and C gaming machines are located –

- a. shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
 - b. shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - c. shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3).
- (3) The reference to supervision in this paragraph means supervision by –
- a. one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - b. closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
- (4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
4. (1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.
- (2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.
- (3) The notice in sub-paragraph (2) shall include the following information –
- a. the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
 - b. in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and
 - c. a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
- (4) The notice may be displayed in electronic form.
- (5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of “prize gaming”) applies.
5. (1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.
- (2) The condition in sub-paragraph (1) may be satisfied by –
- a. displaying a sign setting out the rules,
 - b. making available leaflets or other written material containing the rules, or
 - c. running an audio-visual guide to the rules prior to any bingo game being commenced.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default Conditions

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.
2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4(a) - Application

Appendix 4(b) - Representation from B Chambers

Appendix 4(c) - Representation from T Hallam

Appendix 4(d) - Additional information from applicant's solicitors (28 May 2020)

5.0 **Legal considerations:**

5.1 Please see local and national policy in the background information.

6.0 **Human Resources considerations:**

6.1 None

7.0 **Equalities considerations:**

7.1 None

8.0 **Financial considerations:**

8.1 None