

From: Richard Bradley <R.Bradley@popall.co.uk>
Sent: 28 May 2020 16:58
To: Sarah Chadwick <sarah.chadwick@blackpool.gov.uk>
Subject: RE: Merkur Slots, 40 Abingdon Street, Blackpool, FY1 1DA - Bingo Premises Licence Application - Hearing

CAUTION: This email originated from outside of the organisation.

Dear Sarah,

I hope this email finds you well.

I have reviewed the representations received and have provided our comments below.

We note that none of the Responsible Authorities have raised concerns or provided representations regarding our client's proposals, those of most relevance being the Licensing Authority, the local police licensing team and Children's Services.

We appreciate that the representations raise general concerns regarding the protection of the vulnerable and the possibility that the venue would be used as a 'gathering place' for homeless individuals. However, neither representation provides evidence to support the assumptions and both fail to consider our client's proposals and the operational standards implemented to promote the Licensing Objectives under the Gambling Act 2005 that mitigate any perceived risk.

Cashino Gaming Limited is a leading national operator of bingo premises with clear and proactive policies to promote the Gambling Licensing Objectives. The Applicant has full authority to provide bingo facilities through the grant of an Operating Licence by the Gambling Commission, which has approved the measures which have been put in place to ensure that responsible trading is carried out in accordance with gambling legislation, the Licensing Objectives and the Licence Conditions and Codes of Practice. The Applicant's Operating Licence also requires that policies and procedures are put into effect, which promote socially responsible gambling.

All Cashino Gaming Limited's licensed premises are strictly adult only and appropriate notification and signage is provided on entry and on all marketing material. Cashino Gaming Limited operates a Think 25 policy as standard for all its venues and all employees are trained to request a photographic form of identity if they suspect that a customer is under age.

All Merkur Slots premises limit the line of site into venues and all advertising is compliant with the Advertising Standards Authority's CAP and BCAP codes for gambling advertising and the Gambling Industry Group for Responsible Gambling Advertising Code. As such, all premises advertisements do not target nor are they designed to appeal to under age individuals and the possibility of viewing ambient gambling from the public highway is minimised.

We have provided a copy of Cashino Gaming Limited's Operational Standards document, which highlights the extensive security and socially responsible gambling measures applied to Cashino Gaming Limited's gambling estate. A detailed local area risk assessment has also been provided, which has been developed in consideration of the local area profile and local crime statistics.

The Applicant provides an annual assurance statement to the Gambling Commission, which is designed to identify Company strategy, policy and procedure, which ensures accountability for the delivery of the licensing objectives by relevant senior management. The statement provides a concise self-assessment of any risks to the Licensing Objectives posed by the operator's business, how well the operator is managing those risks and where it may improve its operation and how it intends to do so. Statements provide operators the opportunity to reflect on their continuing commitment to regular operational assessment and excellence.

The Applicant's national training measures, policies and procedures have been developed to ensure that the Licensing Objectives are upheld and have continually proven to be effective and robust with no Cashino Gaming Limited bingo premises being subject to review proceedings.

Paragraph 5.34 of the Gambling Commission's Guidance to Licensing Authorities states:

"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be met" and that "an authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)".

Paragraph 1.9 of the Council's Gambling Act Statement of Policies and Principles refers to section 162 of the Gambling Act 2005, which addresses the requirements for hearing to determine any application. The Licensing Authority can determine the application without a hearing under section (3) (a) (b) (c) of Section 162 of the Gambling Act 2005 on the basis that the Authority think that the representations made under Section 161 of the Gambling Act 2005 are:-

- (a). vexatious;
- (b). frivolous; or
- (c). will certainly not influence the Authority's determination of the application.

The representations received (s.162(3)(c)) 'will certainly not influence the Authority's determination of the application' and it can be granted without a hearing.

A hearing has the effect of putting the Applicant to the expense of preparing for a hearing, providing for advocates to attend and also has the effect of causing the Licensing Authority extra work and expense. More importantly, the valuable time of Committee members is used in attending a hearing for an application that should really be granted as there are no grounds upon which it should be refused. In this respect we have regard to the guidance which allows the delegation of powers/functions to Licensing Sub Committees or to one or more Officers.

Given the current circumstance and logistical complications in organising a licensing sub-committee hearing within a reasonable timeframe following completion of the consultation period, we believe that it will be cost effective for the Authority to exercise the powers available to it under the Gambling Act 2005 in respect of the current application, which should be granted if the matter was determined by the Licensing Sub-Committee.

Whilst the current representations address the Licensing Objective of protection of the vulnerable from harm associated with gambling, the proposed concerns relate to general harm and do not provide evidence to support the perceived risk in respect of the premises proposed operation and the standards implemented to mitigate any risk.

The Council may dismiss the representations without stating that it is vexatious but on the grounds that it would not influence the determination of the application.

Critically:

1. The Licensing Authority is duty bound to aim to permit licensing applications which it considers to comply with the Gambling Commission's Code of Practice and Guidance, the Licensing Objectives and the Licensing Authority's Gambling Policy;
2. Consistently with 1 above, the Council has been given a power by Parliament to disregard objections and determine applications without a hearing in a number of circumstances. These include where it considers that the application will "certainly not influence the authority's determination of the application". Section 162 (3)(c); and
3. It is noted that this power is wider than a power to disregard representations which do not relate to the Licensing Objectives or which are frivolous or vexatious. The representation may be relevant to the Licensing Objectives and may also be neither frivolous or vexatious. Yet if the authority considers that the representation will certainly not influence determination it may disregard it. It is a merits based decision.

We have successfully obtained this favourable outcome for a number of premises licence applications throughout the Country with the most recent involving Westminster and Birmingham City Councils.

All the Authority has to do under Section 162 (4) is to notify the interested party as soon as is reasonably practicable that it proposes to determine the application in reliance of Section 162 of the Gambling Act notifying the particular sub-section be it 3 (a), (b), or (c).

We would like you to consider that the representations received "*will certainly not influence the authority's determination of the application*" and that the application can therefore be granted without a hearing in accordance with S.162(3)(c) of the Gambling 2005.

If the Authority determines that a hearing is still required, I would be grateful for an update as to when a hearing may be listed, along with potential dates, and whether it is to be held remotely or in person.

I thank you for your time and consideration and if you have any questions, please contact me.

Kind regards,

Richard

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