

LICENSING COMMITTEE		AGENDA ITEM No. 3
26 July 2024		PUBLIC REPORT
Contact Officers:	Jacqui Harvey, Head of Operations - Environmental Health, Licensing & Trading Standards Darren Dolby, Licensing Regulatory Officer	Tel. 01733 453502 Tel. 01733 453540

APPLICATION:	BINGO PREMISES LICENCE UNDER THE GAMBLING ACT 2005
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APPLICANT:	Merkur Slots UK Ltd, Second Floor, Matrix House, North Fourth Street, Milton Keynes, MK9 1NJ
REPRESENTED BY :	Poppleston Allen Solicitors, The Stanley Building, 7 Pancras Square, London, N1C 4AG

REFERENCE NO:	126422
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PREMISES:	Merkur Slots, 551 Lincoln Road, Peterborough, PE1 2PB
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1. PURPOSE OF REPORT

- 1.1 To consider and determine this application for a new bingo premises licence for Merkur Slots, 551 Lincoln Road, Peterborough, PE1 2PB taking into account the representations against the application that have been received.

2. BACKGROUND INFORMATION

- 2.1 On 8 April 2024 an application for the grant of a Bingo premises licence under the Gambling Act 2005 was made in respect of 551 Lincoln Road, Peterborough. This is a new application for a Bingo premises licence. There has not been any previous premises licence granted at this property.
- 2.2 A 28-day public consultation exercise was undertaken in accordance with Gambling Act 2005 regulations; requiring the application to be advertised by the displaying of a notice at or on the premises and a notice published in a newspaper or similar circulating in the local area.
- 2.3 There has been no application for a premises licence under the Licensing Act 2003 for this premises by the applicant.

3. AUTHORISATION APPLIED FOR

- **Provision of Bingo**

Monday to Sunday 9am to Midnight

- If granted the licence would permit an unlimited amount of Category C (maximum payout £100) gaming machines of which 20% of the total gaming machines can be Category B3 (maximum payout £500) or B4 (maximum payout £400) These may be played 24 hours a day .

4. APPLICATION

4.1 Please refer to the application attached at **Appendix A – Pages 9**

4.2 The applicant has also submitted the following documentation along with their application :

- Plan of the premises
- Plan showing where gaming machines will be site at the premises
- Local area risk assessment
- A copy of Merkur Slots UK Limited Operational Standards
- A copy of Merkur Slots 'Working Together' document

These documents are attached at **Appendix B – Pages 16**

4.3 Where an application is made to a licensing authority for a premises licence, an interested party or responsible authority in relation to the premises may make representations in writing to the licensing authority

4.4 Representations against the application being granted have been received from the Licensing Authority and Cambridgeshire Constabulary in their capacity as 'responsible authorities' and the Public Health Authority, Peterborough City Council Safer Communities Team and 2 local residents in their capacity as 'interested parties'. These representations are attached at **Appendix C on Page 45**.

4.5 No representations have been received from any other of the Responsible Authorities ; The Gambling Commission, Cambridgeshire Fire and Rescue Service, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Environmental Pollution Team, Children's Services Safeguarding Team and HM Revenue and Customs.

4.6 Part 20 of the application sets out any other matters that the applicant considers relevant to the application. In this section the applicant has provided information regarding the measures in place to ensure that all gambling in their premises is socially responsible. This information includes staff training which covers the protection of the vulnerable including homeless persons and young persons. The applicant has also offered up conditions to be placed upon the licence should it be granted. These conditions are listed below :

The premises shall install and maintain a comprehensive CCTV system to Home Office Guidance standards, which shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days. Viewing of recordings shall be made available upon the request of Police or an authorised officer of the Licensing Authority, subject to data protection legislative requirements.

The CCTV cameras installed shall cover:

- a. All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
- b. The areas of the premises to which the public have access (excluding toilets)
- c. The area directly outside the front entrance of the premises

Notices shall be prominently displayed within the premises stating that CCTV is in operation.

An overt CCTV monitor to be installed, able to be seen by customers

An incident log shall be kept for the premises and made available on request to an authorised officer, Peterborough City Council or the Police, which will record the following :

- All crimes reported to the venue
- Any incidents of disorder
- Any faults in the CCTV
- Any visit by a relevant authority or emergency service
- Details of any person(s) banned from the premises.

The licensee's Staff Guard system shall be installed and maintained at the premises, which allows direct communication with a central monitoring station permitting audio and CCTV communication

There shall be no pre-planned single staffing at the premises from 20:00 until 06:00

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

The on-duty manager shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises

The licensee shall take reasonable steps to prevent nuisance directly outside the premises

Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy

A notice, visible from the exterior of the premises shall state that customers drinking alcohol outside the premises will not be permitted and those who do so will be banned from the premises

The licensee will ensure that customer toilets are checked every hour for evidence of drug taking and alcohol consumption. Toilet checks are to be documented stating the time and member of staff who made the checks

Toilet doors remain locked and access is permitted by staff members only

A magnetic locking device, commonly referred to as a Maglock, will be installed and maintained on the main entrance/exit to the premises and will be available for use at all times

The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request

If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training

For 3 months from the date the premises is open to the public, the date to be confirmed in writing to the Licensing Authority, a SIA licensed door supervisor shall be on duty from 20:00 until 04:00 every day. Following the initial 3-month period, the requirement for door staff shall be risk assessed and cognisance taken of police advice

4.7 A 'Notice' detailing the application was displayed in the newspaper in accordance with current advertising regulations.

5. REPRESENTATIONS

5.1 Summary of issues raised in the representations against the application being granted :

- Harms caused by availability of dangerous addictive products
- Applicant's track record of failure to protect customers
- Economic costs and wider harms
- Not a suitable business for the location it will be situated
- Sufficient similar businesses in area
- Premises will be in the 'Clear Hold Build' Alliance area which is in place to assist in ending organised crime.
- Premises falls with the Licensing 'Cumulative Impact Policy' area.

5.2 Members should note that the correspondence attached against the application are in their entirety. Please note that not all matters raised within the representations are relevant matters for consideration under the Gambling Act 2005. It is up to the Committee to decide upon what 'weight' they attach to these areas

6. MEDIATION

6.1 Mediation was undertaken between the applicant, Cambridgeshire Constabulary and the Licensing Authority prior to the application being made. As a result of this mediation the applicant has offered the conditions as seen in Section 20 of the application and in Section 4 of this report. Further mediation between the applicant and the responsible authorities is currently ongoing at the time of producing this report.

7. KEY POLICY & GUIDANCE CONSIDERATIONS

7.1 In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives in relation to premises licences, temporary use notices and certain permits.

7.2 Those objectives are:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b) ensuring that gambling is conducted in a fair and open way
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling

7.3 Section 153 of the Act provides that in exercising its functions under Part 8 of the Act (premises licensing and provisional statements), the Licensing Authority shall aim to permit the use of premises for gambling in so far as it thinks that to do so is:

- a) in accordance with relevant codes of practice issued by the Gambling Commission
- b) in accordance with guidance issued by the Commission
- c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- d) in accordance with the Licensing Authority Statement of Policy published by the authority (subject to (a) to (c) above).

7.4 Section 153 applies to a licensing authority's relevant functions under Part 8 of the Act (ie applications for the grant, variation, transfer, reinstatement or review of premises licences and provisional statements). Its effect is that, whilst in such circumstances there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with the guidance issued by the Gambling Commission, any relevant Commission code of practice and its own statement of licensing policy as well as reasonably consistent with the licensing objectives.

- 7.5 In reaching a view that the grant of a licence is in accordance with such guidance, code of practice or policy statement, a licensing authority is, in common with all such public authority decision makers, under a duty to act fairly and rationally
- 7.6 In cases where an authority is concerned whether a grant would be in accordance with, for example, the Guidance issued by the Gambling Commission, this can be resolved by the imposition of appropriate licence conditions
- 7.7 In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or the Guidance issued by the Gambling Commission and its own policy statement or view as to the application of the licensing objectives the structure of section 153 makes it plain that the Commission's codes and Guidance take precedence
- 7.8 Section 153 also makes it clear that in deciding whether to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application
- 7.9 All licensing determinations should be considered on the individual merits of the application.
- 7.10 The Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.11 It is important that a licensing authority should give comprehensive reasons for their decision in anticipation of any appeals
- 7.12 Failure to give adequate reasons could itself give rise to grounds for an appeal
- 7.13 **Council's Statement of Principles ([Gambling licensing | Peterborough City Council](#))**
- *The Licensing Objectives, Section 1 on Page 6*
 - *Statement of Principles, Section 2 on Page 6*
 - *Decision Making / Delegation, Section 11 on Page 11*
 - *Licence Conditions, Section 13 page 15*
 - *Bingo Premises, Section 19 on Page 21*

8. LEGAL OFFICER'S COMMENTS

- 8.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Gambling Act 2005. This is an application for a new premises licence made under Section 159 of the Gambling Act 2005.
- 8.2 In this case, the application was received at these offices on 8 April 2024.
- 8.3 The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:
- a) Relevant Gambling Commission Codes of Practice
 - b) Relevant Gambling Commission Guidance
 - c) Reasonable consistency with the Licensing Objectives (subject to a and b)
 - d) Peterborough City Council's Gambling Statement of Principles. (subject to a – c).
- 8.4 The licensing authority may determine the application, depending upon what is appropriate for the promotion of the licensing objectives, in any of the following ways:
- Decide to grant the licence in the same terms as it was applied for;
 - Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);
 - Decide to refuse to grant the licence.

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