
Application for a New Premises Licence – Gambling Act 2005

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)
Sub-Committee

Date of meeting: 07 December 2022

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Victoria Marshall
- Author contact details: 0116 454 3081
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Gambling Act 2005 for a new premises licence for Merkur Slots, 6 Haymarket, Leicester and summarises the representations received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Statement of Licensing Principles.

2. Determination to be made

- 2.1 Having considered the application and representation(s), Members must consider whether to:
- Grant the application as requested. If the Sub-Committee consider that granting the application would not undermine any of the Licensing Objectives, it should be granted in full as submitted. This would be granted subject to mandatory conditions and conditions consistent with the applicant's operational standards, and any other conditions agreed by the applicant as part of the consultation/mediation process. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
 - Grant the application as above, but the Sub-Committee could impose extra conditions as it thinks fit, or make amendments to the operating schedule conditions, and/or proposed hours. This option may include adding conditions suggested by other parties at the hearing, including the applicant. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
 - Refuse the application – if the sub committee concludes that no additional conditions would ensure that the Licensing Objectives would be upheld, then the whole application should be rejected.

3. Application and promotion of the licensing objectives

- 3.1 An application was received on 23 September 2022 from Merkur Slots UK Limited for a new premises licence for Merkur Slots, 6 Haymarket, Leicester. A copy of the application is attached at Appendix A.
- 3.2 The application is requesting a premises licence to operate as a Bingo Premises with no restrictions on the times of operation.
- 3.3 There are no restrictions on access to gaming machines in bingo premises.

3.4 The steps the applicant proposes to take to promote the licensing objectives in addition to the standard conditions applicable to Bingo Premises Licences are set out in the application at Appendix A but for ease of reference are listed below:-

1. *The premises shall install and maintain a comprehensive CCTV system, 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.*
2. *Notices shall be prominently displayed within the premises stating that CCTV is in operation.*
3. *An incident log shall be kept at the premises and made available on request to an authorised officer of the Licensing Authority or the Police. Details to include:*
 - a. *all crimes reported to the venue*
 - b. *all ejections of patrons*
 - c. *any complaints received concerning crime and disorder*
 - d. *any incidents of disorder*
 - e. *all seizures of drugs or offensive weapons*
 - f. *any visit by a relevant authority or emergency service.*
 - g. *any attempts by children and young persons to gain access to the premises to gamble*
 - h. *any Challenge 25 Refusals.*
4. *A think 25 proof of age scheme shall be operated at the premises where any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
5. *Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises.*
6. *Individuals who are deemed to be under the influence of alcohol or drugs shall not be allowed to enter the premises.*
7. *The licensee shall participate in a local Betwatch or similar scheme, where available.*

3.5 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

3.6 The applicant has submitted a robust Operational Standards Document and a Local Area Risk Assessment that outlines in detail how the Licensing Objectives will be upheld. These are attached with the application at Appendix A.

4. Representation(s)

- 4.1 A representation was received on 29 September 2022 from an interested party .The representation relates to the prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Also ensuring that gambling is conducted in a fair and open way and the protection of children or other vulnerable persons from being harmed or exploited by gambling.

The representee is concerned that the proposed premises is in an area of the city directly opposite the clock tower which is associated with crime and disorder (anti social behaviour) as well as being in area where many vulnerable people who are affected by drug and/or alcohol congregate. A copy of the representation is attached at Appendix B1.

- 4.2 A representation was received on 29 September 2022 from an interested party The representation relates to the prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Also ensuring that gambling is conducted in a fair and open way and the protection of children or other vulnerable persons from being harmed or exploited by gambling.

The representee is concerned that the proposed premises is in an area of the city directly opposite the clock tower which is associated with crime and disorder (anti social behaviour) as well as being in area where many vulnerable people who are affected by drug and/or alcohol congregate. A copy of the representation is attached at Appendix B2.

- 4.3 A representation was received on 18 October 2022 from an interested party. The representation relates to the prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Also ensuring the protection of children or other vulnerable persons from being harmed or exploited by gambling.

The representee is concerned that the proposed premises is in an area of the city directly opposite the clock tower which is associated with crime and disorder (anti social behaviour) as well as being in area where many vulnerable people who are affected by drug and/or alcohol congregate. Also that the area is a part of the city which features in national news and multiple gambling sites is not positive for the city's image. A copy of the representation is attached at Appendix B3.

5. Conditions

- 5.1 The conditions that are consistent with the application are attached at Appendix C along with the mandatory conditions applicable to Bingo Premises. Also in Appendix C is further guidance regarding the control of where gaming machines maybe played in relation to bingo premises.

6. Statutory guidance and statement of licensing policy

6.1 The Gambling Act 2005 requires Leicester City Council as Licensing Authority, to carry out its various licensing functions so as to promote the following three 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 from gambling.

6.2 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the Gambling Commission has issued guidance under section 25 of the Gambling Act 2005. The parts of the guidance that are particularly relevant in this case are as follows:

Section	Heading
1.21	Licensing objectives and aims
1.25 –1.30	Licensing Authority discretion (s.153 of the Act)
1.31	Local Area Risk Assessments
1.32 –1.35	Licensing Authority Policy Statement
1.36 –1.38	Limits on Licensing Authority Discretion
1.39	Other Powers
2.15-2.19	Premises Licences
4.2-4.3	Licensing Authorities
4.4-4.5 4.7-4.8	Statutory Framework
5.1-5.18	Licensing Objectives
5.19-5.24	Section 153 Principles
5.25-5.26	Codes Of Practice
5.27-5.29	Good practice in Regulation
5.30	Human Rights Act 1998
5.31-5.34	Other considerations
7.3-7.10	Meaning of premises
7.19-7.30	Access to premises
7.36	Single and combined licences
7.41-7.50	Applications
7.52-7.55	Representations
7.56-7.57	Making a decision
7.58-7.65	Consideration of planning permission and building regulations
8.2-8.7	Responsible Authorities
8.9-8.17	Interested parties
9.1-9.32	Conditions
12.2-12.13	Giving reasons for decisions
18.1-18.12	Bingo
18.19-18.32	Bingo Premises licence conditions

6.2 The relevant parts of the Licensing Authority's Statement of Principles are as follows:

Section	Heading
Part A	1 The Licensing Objectives
	5 Interested Parties
Part B	1 General Principles
	2 Location
	3 Local Area Profiles
	4 Local Risk Assessments
	5 Conditions
	6 Door Supervisors

7. Points for clarification

7.1 The applicant and the party / parties making the representation(s) have been asked to clarify certain points at the hearing, as follows:

By the applicant

1. Whether the applicant considers that the concerns outlined in the representations are valid, and if not why not.
2. In the light of the representations made, whether the applicant wishes to propose any additional steps for the promotion of the licensing objectives.

By the party making the representation

1. Whether they have any additional information to support the representation they have made.
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives.

8. Financial, legal, equalities, climate emergency and other implications

8.1 Financial implications

None.

8.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

8.3 Equalities implications

None.

8.4 Climate Emergency implications

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process. Aidan Davis, Sustainability Officer, Ext 28 3384.

8.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application

Appendix B – Representation(s)

Appendix C – Conditions consistent with the application

11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

12. Is this a “key decision”? If so, why?

No