

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing:	06.11.2024
Report of:	Service Lead - Environmental Health and Community Safety Presented by Nigel Marston – Principal Licensing Officer
Decision Required:	To determine an application for a new Bingo Premises Licence
Legislation:	Gambling Act 2005
Premises	Merkur Slots 47 – 48 Sidwell Street, Exeter, EX4 6NS
Applicant	Merkur Slots UK Ltd

1. What is the report about?

- 1.1 The Gambling Act 2005 ('the Act') requires Exeter City Council, as the 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 and 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.
- 1.2 A premises licence application for Merkur Slots was received on 15th July 2024. The application is requesting a Bingo Licence to operate Monday to Sunday 09:00 – 00:00.
- 1.3 There are no restrictions on access to gaming machines in bingo premises.
- 1.4 Three representations from (other persons) have been received in respect of the application. These are listed in Appendix 8.
- 1.5 The Act requires the Council to publish a Statement of Gambling Policy which sets out the policies the Council will have regard to and apply to promote the Licensing Objectives when making a decision on applications made under the Act. The Council's Statement of Gambling Policy is attached as Appendix 10.
- 1.6 It is essential that the Sub-Committee takes into account the government's guidance to the Act before reaching a decision. The Applicant, Responsible Authorities, or any other persons, should bring to the Sub-Committee's attention any relevant paragraphs. However, it is suggested good practice for Members of the Sub-Committee to read the relevant paragraph(s) of the guidance prior to the hearing.

2. Are there any representations?

- 2.1 As prescribed by the Act, the application has been out for consultation to statutory consultees (Responsible Authorities) and any other persons for 28 days in the form of a notice displayed on the premises and a notice published in a local newspaper on 25th July 2024. The application was also advertised on the Exeter City Council website on 15th July 2024.
- 2.2 Responsible Authorities have received a copy of the application. Please see below responses received:

Responsible Authority	Response received	Objections	Conditions Agreed
Licensing	No		-
Police	No		
Environmental Protection	No		
Fire Safety	Yes	No	
Health and Safety	No		
Planning	Yes	No	
Safeguarding Children	No		
HM revenues and Customs	No		
Gambling Commission	No		

- 2.3 Three representations from other persons have been received and are attached as Appendix 8. The grounds for the representations are that the granting of a premises Licence would undermine the Licensing Objectives of protecting children and other vulnerable people from being harmed or exploited by gambling, preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime and ensuring that gambling is conducted in a fair and open way.
- 2.4 The last date for receiving representations was 12th August 2024.

3. What are the legal aspects?

- 3.1 The Licensing Sub-Committee are required to have regard to;
- 3.1.1 the representations (including supporting information) presented by all the parties; and
 - 3.1.2 the Official Guidance issued to Licensing Authorities by the Gambling Commission (revised April 2023) which can be viewed here [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)
 - 3.1.3 the Licensing Authorities Statement of Gambling Policy 2022 -2025
- 3.2 In determining a licence application the Licensing Sub-Committee will consider each application on its merits.

- 3.3 The Licensing Sub-Committee, having regard to the representations, must take such of the following steps, if any, as it considers appropriate for the promotion of the Licensing Objectives
- i. 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 other conditions consistent with the Applicant's operational standards, and any other conditions agreed by the Applicant as part of the consultation process. Any conditions attached to a licence must be appropriate to promote the Licensing Objectives.
 - ii. 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 any conditions suggested by other parties at the hearing, including the Applicant. Any conditions to be attached to a licence must be appropriate to the Licensing Objectives.
 - iii. 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.

4. Recommendations:

- 4.1 The Principal Licensing Officer recommends option (i)
- 4.2 The reason for this recommendation is that 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.
- 4.3 The Responsible Authorities who responded to the consultation have not offered up further conditions because they consider the application to be suitably conditioned for the type of business model and operation intended at the premises. If problems do occur then the review procedure is available to both Responsible Authorities and any other persons.
- 4.4 The Sub-Committee are advised that they may depart from the officer recommendation if, having heard all the evidence, they believe it is appropriate to do so. Should the Sub-Committee decide to depart from the recommendation and choose an alternative option, then they must provide full reasons for this decision, based on the promotion of the Licensing Objectives. The application must be considered on its own merits and all the circumstances taken into account before a decision is made.

Service Lead – Environmental Health & Community Safety

Author: Nigel Marston, Licensing Officer.

List of Appendices included:

1. Premises Licence application
2. Operational Standards Document
3. Working Together Document
4. Advert in Local Newspaper
5. Plan of Premises
6. Gaming Machines Proposed Plan
7. Location Plan
8. Representations
9. Bingo Mandatory Conditions
10. Gambling Policy - Statement of Principles

Other useful background papers:

Gambling Commission's Guidance to Licensing Authorities

It is a statutory obligation of the Sub-Committee to take into account the Gambling Commission's guidance to the Gambling Act 2005 before reaching a decision.

The Council's Statement of Gambling Policy

The Council will have regard to the policy when making a decision on applications made under the Act.

Local Government (Access to Information) Act 1972 (as amended)

Contact for enquires:

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