

LICENSING SUB COMMITTEE

18 January 2022

Title: Gambling Act 2005 – Application for Bingo Premises Licence - Merkur Slots, 247 Heathway, Dagenham RM9 5BG	
Open Report	For Decision
Ward Affected: River	Key Decision: No
Report Author: Theo Lamptey, Service Manager Public Protection	Contact Details: E-mail: theo.lamptey@lbbd.gov.uk
Accountable Director: Andy Opie, Operational Director, Enforcement and Community Safety	
Accountable Strategic Director: Fiona Taylor, Director, Law and Governance	
Summary This report considers an application for a Bingo Premises Licence under the Gambling Act 2005 in respect of Merkur Slots (UK) Ltd at 247 Heathway, Dagenham, RM9 5BG. The application is opposed by one (1) responsible authority namely the Council's Licensing Authority Responsible Authority Officer and three (3) local residents. The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly.	
Recommendation That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing and determines the application.	

1. Introduction and Background

- 1.1 The Gambling Act 2005 established the national licensing regime for gaming and betting. It introduced a two-tier system of regulation with the Gambling Commission made responsible for operators' licences and personal licences, while local licensing authorities were made responsible for premises licences in their area.
- 1.2 While carrying out their licensing duties both the Commission and the local licensing authorities must promote the three licensing objectives. These are
 - 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 by gambling.

- 1.3 The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives.
- 1.4 Applications for premises licences made to this Council, as the local licensing authority, are required to go out to consultation, during which time a range of 'responsible persons' named under the Act, together with other interested persons, may make representations. Opposed applications, which cannot be concluded through conciliation, are referred to the Licensing Sub-Committee for determination at a public hearing.
- 1.5 When determining applications for premises licences, local licensing authorities must have regard to:
 - The Act and secondary regulations
 - Guidance produced by the Gambling Commission for local licensing authorities (current edition April 2021)
 - The statutory aim to permit
 - The licensing objectives
 - The Council's own Statement of Licensing Policy (current edition 2019-22)
- 1.6 Premises licences generally continue for the life of the business or operation concerned but they may be reviewed at any time by any one of the named responsible authorities under the Act or an 'other person'.

2. Matters for consideration

The application

- 2.1 On 8 September 2021, an application was made by Merkur Slots (UK) Ltd for a bingo premises licence in respect of the ground floor of the premises proposed to be known as Merkur Slots at 247 Heathway, Dagenham, RM9 5BG. A copy of the application is attached as Appendix A.
- 2.2 The application proposes that the premises will provide:
 - Bingo by way of 20 G-Tab bingo tablets (Tablet type photo attached as Appendix B); and
 - Thirty (30) gaming machines, with 20% being Category B machines and the remaining machines with either Category C or D content.
- 2.3 The application proposes that the premises will operate seven (7) days a week between the hours of 09:00am and 02.00am. Bingo is permitted between the hours of 09:00am and to Midnight only.
- 2.4 The application was accompanied by a range of additional documents. These comprise of:
 - A machine plan, which is attached as Appendix C;
 - A premises plan, which is attached as Appendix D;

- Merkur Slots (UK) Limited's Operational Standards, which are attached as Appendix E;
- 'Working Together' document, which is attached as Appendix F; and
- Merkur Local area risk-assessment, which is attached as Appendix G.

2.5 The application also proposes a range of additional licence conditions, as follows:

- 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;
- Notices shall be prominently displayed within the premises stating that CCTV is in operation;
- 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; and
 - H. any Challenge 25 Refusals.
- 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;
- Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises;
- The appropriate staffing levels will be assessed by way of risk assessment and cognisance will be taken of any police advice;
- The licensee shall take reasonable steps to prevent nuisance directly outside the Premises; and
- A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable by staff members.

Representations

2.6 During the consultation period, five representations were lodged. These were received from the Licensing Authority Responsible Authority Officer (LRAO), the Metropolitan Police Licensing Officer and three local residents.

2.7 The representation from the LRAO is made under two (2) of the three (3) licensing objectives which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime & disorder or being used to support crime; and
- Protecting children and other vulnerable people from harm or from being exploited by gambling.

- 2.8 The representation also references this Authority's own Statement of Licensing Policy which recognises the potential of gambling-related harm in areas of deprivation and the impact that the further increase in the number of gambling premises may have in the most vulnerable and at-risk areas. The representation states that while both the policy and the applicant company's own risk-assessment recognises Heathway to be an area of concern, the management steps put forward as mitigation appear to comprise primarily centralised company policy. A copy of the representation is attached as Appendix H.
- 2.9 The representation from the Metropolitan Police Licensing Officer is also made under two (2) of the three (3) licensing objectives:
- Preventing gambling from being a source of crime and disorder, being associated with crime & disorder or being used to support crime; and
 - Protecting children and other vulnerable people from harm or from being exploited by gambling.
- 2.10 The representation raises concerns that allowing a premises to operate until 02:00am will attract Anti-Social Behaviour (ASB) within the area and there are a number of similar venues already in operation. A meeting took place on 29 September 2021 with the Police Licensing Officer and the Merkur Slots LTD Operational Director. Details of the meeting are noted within the Police Representation attached as Appendix I.
- 2.11 Three (3) representations from local residents are received and raised under all three (3) 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 by gambling.
- 2.12 The representations raise concerns that the area is currently already saturated with other gambling premises. Concern is also raised that the addition of further gambling premises is going to do nothing to stop children becoming gambling addicts and that flooding deprived areas with more gambling premises will cause more addiction and disorder.
- 2.13 Two of the resident objections are located within two miles (2) of the premises. A copy of the representations is attached as Appendix J.

Progress of the Application and Conciliation

- 2.14 Following receipt of all representations, arrangements commenced for a potential public hearing of the application. On 29 October 2021, the applicant's representative Poppleston Allen sought a delay of the hearing until a date to be confirmed in January 2022 in order to allow for key personnel to be available to appear. This request was agreed and the period for determination of the application extended

accordingly. The date of this hearing has thereby been set in agreement with all parties.

- 2.15 On 2 December 2021, a 'conciliation' meeting was arranged between officers from the applicant's company, the applicant's representative, the Council's Licensing Authority Responsible Authority Officer (LRAO) and the Metropolitan Police Licensing Officer.
- 2.16 This conciliation did not result in the withdrawal of any representation but has resulted in a reduction of the operating hours sought under the application, providing for a midnight closure each day of the week.
- 2.17 Further conciliation between the Police Licensing Officer and the applicant's representative has now taken place via email and has resulted in the representation being withdrawn on the basis of reduced operating times and further additional conditions as below:
- Premises to close and cease all gambling activities: Monday to Sunday at midnight;
 - There shall be no pre-planned single staffing at the premises from 20:00 until closing. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use;
 - For 3 months from the date the premises is open to the public, the date to be confirmed in writing to the Licensing Authority, an SIA licensed door supervisor shall be on duty from 21:00 until close every day. Following the initial 3-month period, the requirement for door staff shall be risk assessed and cognisance taken of police advice;
 - Third party testing on age-restricted sales systems shall be carried out on the premises at least 2 times a year and the results shall be provided to the 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;
 - The licensee shall implement a policy of banning any customers who engage in crime, disorder or anti-social behaviour within or outside the premises;
 - The licensee shall participate in a local Betwatch or similar scheme, where available;
 - Key staff members will receive first aid training; and
 - The Company's staff guard system or similar shall be installed and maintained at the premises, which allows direct communication with a central monitoring station permitting audio and CCTV communication.

Prior Operating History

- 2.18 The premises has previously operated as Santander Bank and there is no prior licensed operating history at this address to report.
- 2.19 However, the company does operate under a similar bingo premises licence from Cashino Gaming LTD, 62 East Street, Barking IG11 8RQ.

2.20 Mandatory and Default conditions for Bingo premises are attached as Appendix L.

Local Area

2.21 The premises are situated at 247 Heathway Dagenham, RM9 5BG and is in close proximity to Dagenham Heathway station, local shops and residential areas. A map of the local area and premises unit are attached as Appendix K.

2.22 There are five (5) other gambling licensed premises in close proximity to the premises subject of the application. These are:

- William Hill, 220 Heathway, Dagenham RM10 8QS;
- Coral Bookmakers, 251-253 Heathway, Dagenham RM9 5AN;
- Paddy Power, 243 - 245 Heathway, Dagenham RM9 5AN;
- Gaming Fun, 250 Heathway, Dagenham RM10 8SQ; and
- Betfred, Unit 25, The Mall, Heathway Dagenham RM10 8RE.

3. The Statement of Gambling Licensing Policy and Local Area Profile

3.1 This Authority's Statement of Gambling Licensing Policy 2019-22 is informed by the Local Area Risk-Assessment of Gambling Related Harm. Sections 40-41 of the policy state that:

The assessment of the 37 separate indicators that make up the IMD (Index of Multiple Deprivation) indicates that this borough is subject to widespread deprivation to which gambling related harm contributes.

This position gives rise to serious concerns of the impact of any further increase in the number of gambling premises may have for the most vulnerable and 'at risk' areas of the borough. This Authority considers that it is necessary to seek to strictly control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives. All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which would tend to raise the risk of gambling-related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives.'

3.2 The Assessment identifies Heathway as one of the most at risk areas.

4. Consultation

4.1 The application has been advertised in accordance with the normal procedures. This includes a copy of a public notice being placed in a local newspaper; a similar notice displayed at the premises and information on the Council's website.

5. The Options open to the Sub-Committee

5.1 Having had regard to all relevant matters and taken all relevant information into account, the Sub-Committee may decide to:

- Grant the licence; or
- Reject it.

5.2 Any licence granted must be made subject to the mandatory conditions for bingo premises (Appendix L) set out in the Act and the default conditions (Appendix L) unless modified by the Authority. The licence may also be made subject to other relevant appropriate additional conditions intended to promote the licensing objectives.

6. Legal Implications

Implications completed by Simon Scrowther, Litigation Lawyer, Corporate Legal

6.1 The London Borough of Barking and Dagenham as Licensing Authority under the Gambling Act 2005 and subordinate legislation, is empowered to determine applications of this nature.

Public Background Papers Used in the Preparation of the Report:

- Gambling Act 2005 and associated regulations
- Gambling Commission Guidance to local licensing authorities
- Barking and Dagenham Statement of Licensing Policy 2019-22
- Local Area Risk Assessment of Gambling Related Harm

Appendices to this Report:

Appendix A: Application

Appendix B: G-Tab Bingo Device

Appendix C: Machine Plan

Appendix D: Premises Plan

Appendix E: Merkur Slots (UK) Limited's Operational Standards

Appendix F: 'Working Together' Document

Appendix G: Merkur Local Area Risk-Assessment

Appendix H: Representation from the Licensing Authority Responsible Authority Officer (LRAO)

Appendix I: Representation from the Metropolitan Police Licensing Officer

Appendix J: Representations from Residents

Appendix K: Map & Premises Unit

Appendix L: Bingo Premises Licences - Mandatory and Default Conditions