



Walsall Council

REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING SUB – COMMITTEE

23rd September 2021 – 10.30am

APPLICATION FOR A PREMISES LICENCE UNDER SECTION 159 OF THE GAMBLING ACT 2005

**Merkur Slots
12 Bradford Street
Walsall
WS1 1PB**

1.0 Summary of Report

- 1.1 For members of the licensing sub committee to determine an application for a bingo premises licence in respect of Merkur Slots, 12 Bradford Street, Walsall, WS1 1PB.
- 1.2 The application is made by Cashino Gaming Limited.
- 1.3 The application cannot be granted or refused under officer's delegated authority.

2.0 Recommendations

- 2.1 That the Licensing Sub Committee determine whether the application for a bingo premises licence in respect of Merkur Slots, 12 Bradford Street, Walsall, WS1 1PB be granted as requested, granted with additional/modified conditions, or reject the application.

3.0 Background information

- 3.1 An application for a bingo premises licence was received on 25 February 2021 by the Licensing Authority.
- 3.2 The completed application which also includes the proposed layout of the premises and a risk assessment is given as **Appendix 1**.
- 3.3 The applicant do not seek to disapply the bingo premises licence default condition concerning operating hours. The default condition

being that 'no facilities for gambling shall be provided on the premises between the hours of midnight and 9am'.

- 3.5 A street map of the locality is attached as **Appendix 2**.
- 3.6 Copies of the licence application must be submitted to all statutory 'responsible authorities' under the terms of the Act.
- 3.7 Applications for a bingo premises licence are also required to be advertised by way of a site notice displayed at the premises, and a licensing notice placed in a newspaper circulating within the area. This ensures that 'interested parties' (a person living sufficiently close to the premises to be likely to be affected by authorised activity, or has business interests that might be affected by the authorised activities or a representative of either) under the terms of the Act are aware of the licence application.
- 3.8 Any responsible authority or interested party has 28 days from submission of the application to make a written relevant representation to the Licensing Authority.
- 3.9 On the 23 March 2021, West Midlands Police notified the Licensing Authority via email that they have no representations to make to the application. A copy of the response is attached as **Appendix 3**.
- 3.10 10 representations have been received from interested parties. These are given as **Appendix 4**. Members are also to consider whether the representations are relevant. Representations also refer to 24 hour licensing, however section 3.3 of the report informs members that the applicant do not wish to seek to disapply the bingo premises licence mandatory conditions (Please see Appendix 5).

4.0 Resource Considerations

- 4.1 **Financial:** Application fees are set by the Licensing Authority. Any decision taken by the Licensing Authority may be appealed to the Magistrates' Court. The Licensing Authority would have to bear the costs of defending such an appeal.
- 4.2 **Legal:** Any representations received must be considered relevant. In order to be relevant the representation should relate to one or more of the licensing objectives, or raise issues under the licensing authority's statement of policy or the Gambling Commission's Guidance or Code of Practice.

The licensing objectives under the Act 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, and
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Walsall Council's Statement of Principles, Part B, outlines how the authority will approach decision making in respect of premises licences, this in part states:

(i) Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

In reaching its decision the sub-committee should bear in mind the mandatory and default conditions that apply to all bingo premises licences, a copy of those conditions is attached as **Appendix 5**.

In accordance with s169 (1)(b) a default condition may be excluded from a premises licence by the licensing authority.

The licensing authority also has powers to attach additional conditions to the licence. The Gambling Commissions Guidance to Licensing Authorities states

9.28 Licensing authorities should make decisions on conditions on a case-by-case basis, and in the context of the principles of s.153. They must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and this Guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

9.29 Licensing authority statements of policy will need to consider the local circumstances which might give rise to the need for conditions. Where there are specific risks associated with a particular locality, the licensing authority might decide to attach conditions to the premises licence to

mitigate those risks. For example, local issues associated with a high crime rate may put a premises at risk of not being consistent with the licensing objectives, and specific conditions may be necessary to address the risk.

- 9.30** Where there are risks associated with a specific premises or class or premises, the licensing authority may consider it necessary to attach conditions to the licence to address those risks, taking account of the local circumstances.
- 9.31** Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises (including the locality and any identified local risks) and the type of licence applied for
 - fairly and reasonably related to the scale and type of premises
 - reasonable in all other respects.

Conditions that may not be attached to premises licences by licensing authorities

- 9.32** The Act sets out certain matters that may not be the subject of conditions:
- s.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
 - s.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
 - s.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - s.171 prevents a licensing authority imposing conditions in relation to stakes, fees, winnings or prizes

The Licensing Sub Committee may grant the application as requested, grant with additional/modified conditions attached to the premises licence or reject the application.

Where the applicant, responsible authority, or other persons is aggrieved by the decision of the licensing authority, appeal is to Magistrates Court where the reasonableness or otherwise of the decision will be tested.

4.3 Staffing issues: None arising from this report.

5.0 Citizen Impact

- 5.1 Residents or businesses, or their representatives ('interested parties') area are able to submit 'relevant representations'

6.0 Community Safety

- 6.1 Issues raised in relation to potential crime and disorder and public nuisance are addressed by committee through the decision making process.

7.0 Environmental Impact

- 7.1 Nothing arising from this report.

8.0 Performance and Risk Management Issues

- 8.1 Nothing arising from this report.

9.0 Equality Implications

- 9.1 Nothing arising from this report.

10.0 Consultation

- 10.1 Consultation/advertising is carried out in accordance with prescribed statutory regulation.

11.0 Associated Papers

- 11.1 Appendix 1 – Premises licence application.
Appendix 2 – Site plan.
Appendix 3 – Representation from Interested Parties
Appendix 4 – Mandatory & Default

12.0 Contact Officer

- 12.1 Muhammed Sayful Alom, Licensing Team Leader –
Sayful.alom@walsall.gov.uk