



Licensing Sub Committee Agenda supplement 2

Wyre Borough Council
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Democratic Services Officer
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**Licensing Sub Committee meeting on Thursday, 30 July 2020 at 6.00 pm
in the Council Chamber - Civic Centre, Poulton-le-Fylde**

- 4. Application for a new Bingo Premises Licence 76 Victoria Road
West, Thornton Cleveleys, FY5 1AG** (Pages 209 -
212)

Report of the Corporate Director Environment, attached.

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NOTICE OF REJECTION OF AN APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 165(2) of the Gambling Act 2005.

Notice issued by **Blackpool Borough Council**
PO Box 11
Town Hall
Blackpool
FY1 1NB

An application for a premises licence of the following type **Bingo**

Made by **Cashino Gaming Limited**

Of the following address
Seebeck House
1A Seebeck Place
Milton Keynes
MK5 8FR

The number of whose operating licence is **000-003266-N-103444**

Is rejected

The premises to which this notice applies are

Merkur Slots
40 Abingdon Street
Blackpool Council
FY1 1DA

This application has been rejected for the following reasons:

This application was considered by a panel of the licensing committee at a hearing on 26 June 2020. The applicant was represented by Mr Bradley and the Objectors were represented by Mr Whur. Both parties submitted extensive written representations in advance of the hearing all of which were taken into consideration when determining this application, for the sake of brevity they will not be repeated here.

In oral submissions, Mr Bradley explained to the panel that the premises had previously been licenced as a betting office. The applicant was a recognised responsible operator who had 73 similar small high street premises. None of their licences had ever been the subject of review. The proposal was to operate a mixed use premises where bingo would be offered by way of Bingo express and via

a tablet and gaming machines would also be available for use. There would be 20 hand held tablets for bingo, 13 B3 machines, 21 Category C machines and 4 tri-max terminals. The panel were told that bingo was a 'softer' type of gambling than betting because there was a different customer profile and spend. Mr Bradley added that the local authority were in the best position to know the local area. A local area risk assessment had been prepared by the applicant but they conceded that no operation was without risk but any risk could be mitigated by having the correct policies and procedures in place. All venues were proactively managed and any emerging risks would be dealt with when they came to light. The premises would be adult only and Challenge 25 would be operated as standard. The premises was fully fitted with CCTV and there would be a maglock system on the door. Dealing with the question of hours, there was no application to vary the default hours applied to bingo licences. They would however like to operate the gaming machines to a later hour should there be customer demand for this. It was stressed that there was no intention to operate the premises 24 hours a day. A condition permitting the use of gaming machines until 1 a.m. or 2 a.m. was suggested. As far as the single staffing of the premises was concerned there would be no pre-planned single staffing after 8 p.m. which could be attached to the licence as a condition.

Mr Whur, on behalf of the objectors referred to what he considered to be deficiencies in the local area risk assessment. He told the panel that this appeared to be a tick box exercise containing standard documentation and nothing about local risks even though it did identify that the locality in which the premises is situated is an area of high deprivation with sexual health and homeless services in the vicinity. The panel were asked to compare what they had been told by the applicant with the job adverts which gave an indication that the business intended to operate seven nights a week and that applicants had to be prepared to work on their own. Mr Whur also referred to the planning application made by the applicant being for an AGC not a bingo premises. He told the panel that the application was just not good enough because it was not clear when the premises would be opened and when it would be single manned. Continuing with the issue of single manning, Mr Whur also expressed concerns about the layout of the premises there being no apparent staff facilities with staff needing to share one single unisex toilet with the customers. The panel were also asked to consider primary activity. The premises would have 13 B3 machines with a £500 pay out. Looking at the number of gaming machines compared to the number of bingo machines this operation would be very much machine led rather than bingo led.

When determining this application the panel reminded themselves of the provisions of section 153 Gambling Act 2005 that they should aim to permit the use of premises for gambling in so far as the authority think it:

- In accordance with any relevant code of practice under section 24;
- In accordance with any relevant guidance issued by the Gambling Commission under section 25;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's statement of policy

Mr Whur, in his address made great play of the fact that the applicant had asked the authority to grant the application without a hearing under section 162(3) of the Act, describing it as an attempt to take away the discretion and decision making role of the local authority. The panel did not believe that the applicant could be criticised for seeking to have the application disposed of in this manner, officers considered the content of the request and quite properly determined that the hearing should proceed. The fact that the applicant had made this request was, in the panel's opinion, irrelevant and played no part in their decision.

Whilst the panel did agree with the applicant that it was useful to have some form of standard template for a local area risk assessment, they did feel that it was not sufficient to address the

identified risks of being one of most deprived areas in the Country with nearby services for the vulnerable. The panel were of the opinion that the risk assessment they had been provided with was generic and had not sufficiently taken account of the local conditions, for example there was no indication of measures that would be put in place to protect customers and staff when the crime level in the area is 54% above average. The panel did not believe that the location was suitable for this type of late night operation. Although conditions have been offered, albeit at the last minute, the panel are not satisfied that the granting of this application would be reasonably consistent with the licensing objectives.

An appeal may be brought against the rejection of this application by the applicant. An appeal must be instituted:

- In the Magistrates' Court for a local justice area in which the premises are wholly or partly situated;
- By notice of appeal given to the designated officer;
- Within 21 days beginning with the date of receipt of this notice of rejection.

Sharon Davies

29.06.20.

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