

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 10 October 2022

Present:

Members: Councillor R Thay (Chair)
 Councillor L Bigham
 Councillor S Keough

Employees Present:

Law and Governance S Ahmed, U Patel, C Taylor

Streetscene and R Masih, C Simms
Regulatory Services

In Attendance Counsel and Witnesses (on behalf of Applicant)
 Interested Party

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor R Thay be appointed Chair for this meeting.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a Premises Licence under the Gambling Act 2005**

The Sub-Committee considered an application for a Premises Licence under the Gambling Act 2005 in respect of Merkur Slots, 241 Walsgrave Road, Coventry. The application requested a Bingo Licence to operate the default hours of Monday to Sunday 09:00 – 00:00 midnight for bingo and unrestricted for the provision of machines.

Three representations had been received from local residents objecting to the application. None of the Responsible Authorities had objected to the application. All application formalities had been complied with.

Counsel for the Applicant presented the Applicant's case. He referred to the additional evidence they had provided by way of a 2-part bundle and confirmed its contents. Counsel addressed the Committee on points relating to the licensing objectives. He explained that there were no objections to the application from Responsible Authorities with each of those authorities being the main source of

advice. He stated that there was uncontested evidence from witnesses for the Applicant in support of the application.

The Applicant holds licences in every authority they have applied to (nationwide) and holds 3 existing licences in different parts of Coventry. Counsel further explained in respect of the licensing objective relating to crime and disorder that the Applicant enforces rules in all his premises, including maintaining good management both inside and outside of the premises, is aware of the demographic of its customer base, has taken measures relating to layout and lighting and ambience; all of which help to prevent any problems inside the premises and loitering outside the Applicant's premises.

Counsel further stated that although children are allowed by law to enter such premises, the Applicant does not allow children to any of his premises. The Applicant's premises are designed to prevent children being able to see inside and there will be no advertisement displayed to lure children to the premises. The Applicant's style of premises and level of supervision would not attract children.

In respect of vulnerable adults, the Sub-Committee were informed that the Applicant currently safeguards its customers through compliance with all regulations and works with leading gambling charities to improve its current safeguarding systems. Counsel added that should the licence be granted; the Applicant would have a legal obligation to uphold all of the licensing objectives that arise from the mandatory and default conditions prescribed by law.

Addressing the representations made by local residents, Counsel explained that that the default hours are set by Parliament that being 9am to midnight for bingo and 24 hours for other gaming machines. The Responsibility Authorities did not object to the hours of operation. Counsel stated that there were similar premises that had operated in the area without any problems.

Counsel highlighted that the Applicant's premises would trade with a small number of customers, there would be no alcohol, no loud music and no entertainment with people wandering in ones and twos and wandering out again. As such, there should be no nuisance caused. Counsel further stated it was important to note, that public nuisance is not a relevant consideration as it does not form part of the licensing objectives for applications made under the Gambling Act 2005.

With regard to other issues raised within the objections, Counsel stated that the demand for facilities and parking issues were irrelevant factors. Counsel dismissed one objection which stated that, 'there should not be a bingo facility' as inadmissible and concluded that there was no evidence, before the Committee, of objections that were relevant to the gambling regulations and as such the Applicant respectfully requested that the licence be granted.

The Sub-Committee discussed, asked questions and received responses on a number of matters including:

- Although noting that this was not a relevant factor in determining the application, in light of the pandemic, what measures were in place to deal with the rising levels of infection. It was noted that all premises had

a cleaning procedure in place which was enhanced during the pandemic and has been maintained since to safeguard customers.

- In terms of membership, Counsel explained that there is a loyalty scheme that customers could use but under current gambling regulations there is no longer a membership requirement.
- With regard to the cost per game and how many games could be played per hour, it was explained that the smallest amount a person can stake on a Merkur machine is 10p and the largest amount being £2 with a £500 prize. The average stake is between 30p and 40p. As regards, national bingo games, the largest stake amount is £40 if a person plays all the cards alternatively it works out to be £2 for 5 cards. The Applicants were unable to provide a figure about how many games could be played per hour as it would be difficult to count how many bingo games people can play as there are a variety of ways they can play such as paper, electronic, on mobile.
- When asked whether there was an automatic stop time, Counsel responded that there is an opportunity for players to set aside a time out – if the player chose to set this, but otherwise there was a default time out message after 20 minutes asking the player if they wished to continue.
- In response to whether staff could exclude customers, the Sub-Committee noted that staff were trained to be vigilant and to look out for obvious signs of stress, frustration etc and would know how to deal with it. Following observations and should the need arise, any customer interaction would be recorded on the system managed by internal compliance which allows for it to be tracked. Therefore, staff could exclude a customer if there were concerns about a customer not being able to manage their play or spend time. There was information for customers about national gambling charities and other organisations should they need it. It was noted that customers could also self-exclude by signing an agreement lasting anything from 6 months up to 12 months. When a customer signs the agreement, they would automatically be self-excluded from all other gambling premises due to the way the scheme works.
- Counsel further stated that staff were also trained to consider factors such as affordability and where the customer was getting the money from and whether they could afford to gamble. Any suspicious activity would be reported to the National Crime Agency. However, in premises such as this, the customers were generally regular and the staff would soon learn to know different gambling traits, spends, etc.
- The Sub-Committee noted that gambling premises are not allowed to accept credit cards as per the regulations, but customers could use their debit card on the centre console for tickets which are then entered into the machines.

The Sub-Committee heard from the Objector who stated that he lived walking distance away from the proposed premises and that he has seen lots of businesses come and go. He expressed his concerns about the current economic crisis and that people may use the establishment in a way that may cause them financial hardship further down the line. The objector provided by an example by stating that people may be using their income/benefits and then fall into debt consequently they would not be able pay their bills or buy food for their families. The Objector said he would rather have a food bank than a bingo facility.

In his summing up, the Objector stated that the proposed bingo facility was not the right establishment for the area as those who cannot afford fuel in the winter may go into keep warm and as a result spend money. He also said that there had been a rise in levels of shoplifting in the area and that at this point in time with the economic climate that the proposed bingo facility was not a right fit for the area.

In the Applicant's summing up, Counsel referred the Sub-Committee to their submission. Counsel explained that the Sub-Committee must have regard to the law relating to the determination of applications in that the Gambling 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.

Counsel further stated that the Applicant could understand the Objectors concerns, however, the Applicant has satisfied the legal test and has performed its functions under the law with the local area in mind. Counsel stated that the hearing was an evidence-based hearing and there was nothing in the history of this Applicant, locally or nationally, in what it offers or its premises layout, its core demographic, or in the training and supervision of its staff or its system of audit which suggests that to permit this application would harm children or vulnerable adults. If such issues did arise, the client would deal with them appropriately and expediently.

In reaching its decision, the Sub-Committee had regard to both national guidance and the Council's own policy. The Sub-Committee considered the application on its own merits and gave due consideration to the evidence available before them including the objections raised.

The Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as possible, problems arising at, or from, the premises that may undermine the licensing objectives.

The Sub-Committee understood and appreciated the Objector's comments, however those concerns did not fall under the remit of the law and guidance that the Committee could apply to determine an application of this type.

The Applicant, via Counsel would be aware that if the premises prove to operate in any way that did not promote the Licensing Objectives, then the appropriate way for this to be addressed would be via a review of the licence.

RESOLVED that, the application for a Premises License under the Gambling Act 2005, in respect of Merkur Slots, 241 Walsgrave Road, Coventry be granted subject to mandatory conditions.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.30 am)