

Decisions of the Licensing Sub-Committee

25 October 2022

Members Present:-

Councillor Claire Farrier (substituting for
Anne Hutton)
Councillor Zakia Zubairi (Andrea Bilbow)

Councillor Richard Barnes

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Claire Farrier be appointed Chairman for this Licensing Sub-Committee meeting.

At 10:30am the Chair welcomed all parties and noted that the legal officer had arrived late. The Chair adjourned the meeting in order for a legal briefing to be conducted.

At 10:49am the meeting reconvened. The representative from the Barnet Society raised a question in regard to the flow of decision making and if the planning application should have been determined before the Licensing Sub-Committee consider the matter for Merkur Slots 118 High Street Barnet EN5 5XQ. It was noted that the meeting was established in order to consider an application for a New Bingo Premises Licence, under section 159 of the Gambling Act 2005 only. The Chair noted that the meeting would continue.

2. ABSENCE OF MEMBERS (IF ANY)

An apology of absence was received from Councillor Anne Hutton who was substituted by Councillor Claire Farrier.

An apology of absence was received from Councillor Andrea Bilbow who was substituted by Councillor Zakia Zubairi

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed at the meeting.

5. REPORT OF THE TRADING STANDARDS & LICENSING MANAGER - MERKUR SLOTS 118 HIGH STREET BARNET EN5 5XQ

The Sub-Committee considered an application for a bingo Premises licence by Merkur Slots UK Limited Premises: Merkur Slots, 118 High Street, Barnet EN5 5XQ

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with the Regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations 2005).

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

Decision

**Re: Application for a bingo Premises licence by Merkur Slots UK Limited
Premises: Merkur Slots, 118 High Street, Barnet EN5 5XQ**

1. This is an application for a bingo premises licence by Merkur Slots UK Limited (the “**Applicant**”) for the premises known as Merkur Slots, 118 High Street, Barnet EN5 5XQ (the “**Premises**”).
2. The Sub Committee reviewed and considered the written and oral representations by the parties, which included a supplemental bundle of documents submitted by the Applicant.
3. The application and the Applicant’s additional bundle included their Local Area Risk Assessments, which identifies the local risks in and around the location of the Premises and the measures proposed by the Applicant on how it would seek to address those risks in accordance with the Gambling Commission’s code of practice, the Gambling Commission’s guidance, the licensing objectives and Barnet’s Statement of Principles in relation to the Gambling Act 2005.
4. With regard to the licensing objectives the application includes additional proposed conditions to be included on any premises licence. These conditions relate to the installation and operation of a CCTV system, use and prominent signage of a Think 25 proof of age scheme, use of a magnetic locking device on the main entrance / exit, an intruder alarm with a panic button and maintenance of an incident log book. These proposed conditions are set out in full in the application. The Agenda documents include an email from the Police stating these proposed conditions are

sufficient to support the [licensing] objectives and there are no objections from the Police. These proposed conditions apply to the issue of prevention of gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime as well as to the protection of children and other vulnerable persons from being harmed or exploited by gambling.

5. The Applicant's local area risk assessments and oral representations also provide further information on its measures to address the crime and disorder objective with it being said no alcohol or drug misuse is permitted in the Premises, people intoxicated through alcohol or drugs are not permitted, staff training to identify suspicious activity and how to deal with aggressive associates, monitoring of the outside of the Premises and surrounding area for anti-social behaviour. These are set out more fully in the Agenda documents and the Applicant's Supplementary Bundle.
6. With regard to the protection of children and other vulnerable people from being harmed or exploited by gambling, the Applicant will not permit under 18s into the Premises and notices to that effect displayed on the entrance, age verification checks are carried out as well as test purchases. Training and guidance is also provided to staff on identifying and dealing with vulnerable people and player protection schemes are also available. Again, these are set out more fully in the Applicant's local area risk assessments and were also expanded upon at the sub-committee hearing.
7. At the meeting, the Applicant stated that the Police had been consulted prior to the application being submitted and it was said that customer numbers were relatively low with something like eight customers in the premises at any one time being considered busy. This enabled staff to monitor and interact with customers and use soft skills to assess customers who may be vulnerable or possibly gambling more than they are want to.
8. Whilst the playing of bingo is only permitted between 09:00 to 00:00, premises are permitted to stay open 24 hours for gaming machines, and the Premises will contain a mix of tablets for playing bingo and other gaming machines. The percentage of gaming machines allowed under a bingo premises licence and the

maximum stake and prize payout by the gaming machines is regulated by the Gambling Commission.

9. In response to the application a representation was received from The Barnet Society, which raised concerns regarding the protection of children and other vulnerable people from being harmed or exploited by gambling, and also touched upon the issue of crime and disorder. This objection, set out in full in the Agenda documents and also expanded upon at the meeting, raised the issue of the number of local schools and colleges near the Premises and the number of vulnerable adults in nearby supporting or housing list accommodation, who they say are “specific targets” of late night and overnight gambling.
10. In so far as the representation comments about the number of betting shops in the area, the Guidance makes it clear that issues of demand and competition are not to be considered by the Sub-Committee. Furthermore, The Barnet Society also make reference to the Council’s draft local plan with regard to planning, which seeks to limit gambling premises within a certain distance of schools and colleges. As yet that local plan has not been implemented, it was not provided as part of the representations and no representation was received by the Council’s Planning Team. Therefore, the issue of the draft local plan was not considered by the Sub-Committee.
11. In relation to these concerns, the Sub-Committee notes the representations made by The Barnet Society in its written and oral comments, but the Sub-Committee has not been provided with any evidence that the application, with the proposed conditions and operating procedures would adversely affect the licensing objectives or the Commission’s Guidance or the Council’s own statement of gambling policy. The evidence also does not suggest further conditions need to be added to any premises licence in order to ensure compliance with the licensing objectives.
12. Having considered all of the representations and issues, the Sub-Committee has therefore decided that the application, with the additional proposed conditions that have been agreed by the Police, is consistent with the matters set out in s.153 of the Gambling Act 2005 and is therefore approved.

Right to Appeal

13. If the Applicant, or a person who made representations in relation to this application, is aggrieved with the decision of the Licensing Panel, they may appeal to the Magistrates' Court within 21 days beginning with the day on which they receive notification of this decision.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 12:23