

MUNICIPAL YEAR 2020/21

COMMITTEE :
Licensing Sub-Committee
21 October 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Gambling Act 2005

Agenda – Part1	Item
SUBJECT : New Premises Licence Application - Bingo	
PREMISES : Shipleys, 45-47 South Mall, Edmonton Green Shopping Centre, London, N9 0TT	
WARD : Edmonton Green	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 The premises previously traded as the Bright House electrical goods and furniture store; therefore, no licence was required.

2 THIS APPLICATION:

- 2.1 On 28 August 2020, a new bingo premises licence application was submitted for Shipleys, 45-47 South Mall, Edmonton Green Shopping Centre, London, N9 0TT.
- 2.2 The application seeks to open in accordance with the 'default conditions' (Part 2, Schedule 2 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007), which is "no facilities for gambling shall be provided on the premises between the hours of midnight and 9am." Effectively the operating hours are 9am to midnight, daily.
- 2.3 The applicant is Amuse 2016 Ltd, of Bank House, 23A Hagley Street, Halesowen, Halesowen, B63 3AU. According to Companies House (correct of 9 October 2020), the Directors of the company are Mr Dennis Shipley, Mr Michael Shipley and Mr Robert Shipley.
- 2.4 Each of the Responsible Authorities were consulted in respect of the application.
- 2.5 A copy of the application, floor plan and risk assessment is produced in Annex 1.

3 RELEVANT REPRESENTATIONS:

- 3.1 There are no outstanding representations from the Responsible Authorities.
- 3.2 **Interested Parties** – Representation was received by two local residents, one of whom states is representing Pennine House, a block of flats in close proximity to the premises. The Interested Parties believe the application does not support the following licensing objectives: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support

crime and protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 3.3 The representations are produced in Annex 2 and you will note the residents have been given references IP1 and IP2.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The Licensing Authority and Metropolitan Police made initial representations, seeking conditions be added to the bingo premises licence. The applicant agreed those conditions and as a result, both representations were withdrawn. The agreed conditions are produced in Annex 3.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either :

5.1.1 the Gambling Act 2005 ('Act'); or

5.1.2 the 5th edition of the Gambling Commission guidance to Licensing Authorities (September 2015, updated September 2016) ('Guid'); or

5.1.3 the London Borough of Enfield's Statement of Principles of January 2019 ('Pol').

Act - General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the 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;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.3 The Council is aware that, as per Section 153 of the Act, in making decisions about premises licences it should aim to permit the use of premises for gambling insofar as it thinks it is:
- 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;
 - In accordance with the Council's Statement of Licensing Policy. In particular, the Council requires operators to take account of the local area profile of the borough contained within this policy.

Policy - Bingo Premises

- 5.4 The Council is aware that a holder of bingo premises licences may make available for use of a number of category B gaming machines, not exceeding 20% of the total number of gaming machines, which are available for use on the premises. [Pol Section 2.13.2]

5.5 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take into account of the structure and layout of their gambling premises' in order to prevent underage gambling. [Pol Section 2.13.3]

5.6 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. [Pol Section 2.13.4]

5.7 Other appropriate measures may cover (but are not limited to) issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare and self-exclusion forms in both prominent and discreet areas of the premises
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information
- Measures / training for staff on how to deal with suspected truant school children on the premises

[Pol Section 2.13.5]

Guidance - Protecting children and other vulnerable persons from being harmed or exploited by gambling

5.8 In exercising their powers under s.153, licensing authorities should consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling. The Commission would expect the operator and the licensing authority to work together to consider how any impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (e.g. bingo and family entertainment centre (FEC) premises) but which make gambling products and facilities available. [Guid 5.13]

5.9 By distinguishing between premises types, the Act makes it clear that the gambling activity of the premises should be linked to the premises described. Thus, in a bingo premises, the gambling activity should be bingo, with gaming machines as an ancillary offer on the premises. The [Licence Conditions and Codes of Practice](#) (LCCP) sets out in full the requirements on operators. [Guid 7.4]

- 5.10 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18. [Guid 7.25]
- 5.11 For bingo premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:
- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
 - supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
 - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
 - arranged in a way that ensures that all parts of the area can be observed.
- 5.12 A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area. [Guid 7.27]

Decision:

6.1 In accordance with s.150 of the Act, premises licences can authorise the provision of facilities on bingo premises.

6.2 On considering an application for a bingo premises licence, the Licensing Sub-Committee shall—

(a) grant it, or

(b) reject it. Reasons shall be given as to why the application is rejected.

6.3 The Licensing Sub-Committee may impose or exclude conditions when issuing a bingo premises licence [Section 169 Act] as follows:

(1) Where a licensing authority issues a premises licence they may—

(a) attach a condition to the licence;

(b) exclude a condition that would otherwise be attached to the licence by virtue of section 168.

(2) A condition attached to the licence under subsection (1)(a) may, in particular, address a matter addressed by a condition excluded under subsection (1)(b).

(3) A condition attached to the licence under subsection (1)(a) may apply in relation to the premises generally or only in relation to a specified part of the premises.

(4) A licensing authority may not attach a condition to a premises licence which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted.

Background Papers :

None other than any identified within the report.

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