

Report to:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	20 August 2020
Reporting Officer:	Emma Varnam – Assistant Director Operations and Neighbourhoods
Subject:	APPLICATION FOR A NEW GAMBLING PREMISES LICENCE – CASHINO GAMING LIMITED TRADING AS MERKUR SLOTS, UNIT 8 & 9, 17 QUEENS WALK, DROYLSDEN, M43 7AD
Report Summary:	Members are requested to determine the application.
Recommendations:	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:-</p> <ul style="list-style-type: none"> a) Grant the licence b) Refuse the licence application c) Grant the licence with conditions
Corporate Plan:	Living Well – Improve satisfaction with local community
Policy Implications:	<p>Members are provided with policy guidelines to assist in the decision making process.</p> <p>In determining the application the Panel must have due regard to the Gambling Commission Guidance to Local Authorities (5th Edition, September 2015) issued pursuant to s25(1) of the Gambling Act 2005. In addition, the Panel must, in the exercise of its decision making powers, apply the principles set out in the Council's Statement of Principles 2019-2022 Gambling Act 2005 (prepared pursuant to s349 Gambling Act 2005).</p>
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
Legal Implications: (Authorised by the Borough Solicitor)	Any decision to refuse the licence or grant the licence with conditions can be challenged by way of appeal (in the first instance) to the local Magistrates Court.
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
Access to Information:	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)
Background Information:	The background papers relating to this report can be inspected by contacting Mike Robinson



Telephone: 0161 342 4122



e-mail: mike.robinson@tameside.gov.uk

1. INTRODUCTION

- 1.1 Section 162(1) of the Gambling Act 2005 states that the Authority must hold a hearing if:-
- a) an interested party or responsible authority has made (and not withdrawn) representations about the application under section 161;
 - b) the authority propose to attach a condition to the licence under section 169(1)(a); or
 - c) the authority propose to exclude under section 169(1)(b) a condition that would otherwise be attached to the licence under section 168.
- 1.2 Section 163(1) of the Gambling Act 2005 states that on considering an application for a premises licence a licensing authority shall:-
- a) Grant it, or
 - b) Reject it
- 1.3 Section 169 of the Gambling Act 2005 states that 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.
 - c) A condition attached to the licence under subsection (1)(a) may, in particular, address a matter by a condition excluded under subsection (1)(b).
 - d) 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.
 - e) 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.

2. REPORT

- 2.1 On 23 June 2020 a Bingo Premises application was received from Cashino Gaming Limited trading as Merkur Slots at Unit 8&9, 17 Greenside Lane, Droylsden, Tameside, M43 7YY. A copy of this application is attached at **Appendix 1**.
- 2.2 There are three licensing objectives under the Gambling Act 2005:-
- 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - 2) Ensuring that gambling is conducted in a fair and open way; and
 - 3) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.3 Under section 153 Gambling Act 2005 the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority thinks it:-
- a) In accordance with any relevant codes of practice issued by the Gambling Commission.
 - b) In accordance with guidance issued by the Gambling Commission.
 - c) Reasonably consistent with the licensing objectives.
 - d) In accordance with the Councils Statement of Policy.
- 2.4 On 24 June 2020 a planning application was submitted to change the use of the Unit 8&9, 17 Queens Walk, Droylsden to an adult gaming centre. This application has not yet been

validated. This matter will be dealt with under the relevant planning and building control regulations and will not form part of the consideration of the premises licence.

3. REPRESENTATIONS AND EVIDENCE SUBMITTED

- 3.1 A representation has been received from Simon Watts, Specialist Registrar Public Health on behalf of Public Health. This representation is attached at **Appendix 2**.
- 3.2 A representation has been received from 3 Councillors: Barrie Holland, Ann Holland and Laura Boyle. This representation is attached at **Appendix 3**.
- 3.3 The Licensing Department received 2 representations from members of the public. These letters are attached at **Appendix 4**.

4. CONCLUSION AND OPTIONS FOR THE PANEL

- 4.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the gambling objectives. The options available to the Panel are set out at the front of the report.