

MERKUR CASHINO, DROYLSDEN SHOPPING CENTRE

LICENSING SUB-COMMITTEE HEARING

THURSDAY 20TH AUGUST 2020 AT 10.00

APPLICANT'S REMOTE HEARING SUPPLEMENTAL BUNDLE INDEX

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TAMESIDE METROPOLITAN BOROUGH
SPEAKERS PANEL (LIQUOR LICENSING)
APPLICATION FOR NEW GAMBLING PREMISES LICENCE
CASHINO GAMING LIMITED
UNIT 8 AND 9, 17 QUEENS WALK, DROYLSDEN M43 7AD

SKELETON ARGUMENT ON BEHALF OF APPLICANT

Introduction

1. This is an application for a new bingo premises licence by Cashino Gaming Limited.
2. The purpose of this skeleton argument is to set out some of the background to the application, to address the representations which have been made and to assist the Panel in its approach to its discretion under the Gambling Act 2005.

Background

3. Cashino Gaming Limited is part of the Gauselmann group, which is one of the most experienced providers of gaming premises on the high street across the UK, including adult gaming centres and bingo premises. Players in high street bingo premises access bingo games through the use of tablets, which are increasingly replacing the former large, flat-floor bingo halls.
4. Bingo premises are subject to a high degree of regulation in order to support the licensing objectives, including the following:
 - a. Premises and their management and operation are subject to the Gambling Commission's extensive Licence Conditions and Codes of Practice applicable to non-remote bingo licences.
 - b. The number of machines, the way they operate and their stake and prize limits, is set by the Gambling Act 2005 and regulations.

5. In this case, the applicant has offered a further raft of individual licence conditions, which will be described and discussed at the hearing.
6. As one would expect, Cashino and its sister companies have detailed systems for compliance with the law and promotion of the licensing objectives, which it implements through staff training and management programmes and supervises through area and national management oversight and independent audit.
7. Cashino is very much alive to the issue of problem gambling:
 - a. As required by the Gambling Commission's Licence Conditions and Codes of Practice, its systems include processes for customer interaction and self-exclusion, operated by trained staff. Interventions are recorded electronically so that they can be overseen by independent compliance auditors.
 - b. Customers are encouraged to use a self-help, app-based tool to assist them with managing their gambling behaviour.
 - c. "Stay in Control" posters and leaflets with the Gamcare helpline number are located prominently in the premises.
 - d. Socially responsible messaging is displayed on digital machines.
 - e. All machines display "Gamble Responsibly" notices with helpline contact details.
8. Although the law permits children to visit bingo establishments, Cashino does not, and entry to children is effectively controlled through a Think 25 Policy, age verification test purchasing and mystery shopper visits, overseen by senior management and shared with the Gambling Commission. The exterior appearance of the premises is such that gambling cannot be seen from the outside and there is no advertising depicting images which may appeal to children.
9. Cashino premises are effectively supervised by trained staff. Unlike bookmakers, which attract a younger, sports-oriented demographic and can become crowded at race or event times, bingo premises attract an older demographic, with attendance at lower levels. Staff walk around the premises chatting to customers, rather than being behind a counter screen. Supervision is therefore properly maintained.
10. Crime and disorder inside Cashino premises is vanishingly rare. In any event, premises are fully covered by CCTV. The Police reaction to this application was positive, "hoping that the

premises will enhance the local rea and help in the regeneration of the Droylsden Town Centre.”

11. Staff are trained to monitor the exterior of the premises. In the event of any issues outside, the issue is recorded, and staff are trained to notify area management or local police as required. The premises therefore become part of the network of local control.
12. One measure of effectiveness of its systems is that Cashino Gaming Limited has never experienced a licence review or prosecution. This is despite the fact that it operates in areas with higher and lower social deprivation and other social issues. Its systems and staff training have proved sufficient to ensure that the licensing objectives are promoted. Naturally, as part of their training, staff are made aware of the locational and social context of the individual premises.
13. In the very rare event of any kind of issue, Cashino will liaise with relevant authorities to ensure that it is resolved.
14. Here, the thrust of the objections is that Droylsden is a place of high deprivation. The applicant understands this, and has reflected it in its local area risk assessment as required by the Licensing Conditions and Codes of Practice. It will ensure that this is fully borne in mind in its staff training and implementation of the company’s protective systems at the premises. It would also be more than content to involve Tameside officers in its staff training to ensure that staff and management are fully aware of local issues from the outset.

Tameside's policy

15. In its Guidance to Licensing Authorities, the Gambling Commission suggests that licensing authorities create Local Area Profiles, setting out a range of social and environmental factors for local areas.
16. The purpose of Local Area Profiles is described by the Commission as follows:

6.53 As stated, there is no mandatory requirement to have a local area profile, but there are a number of benefits:

- *it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it*

- *greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application*
- *it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge*
- *it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.*

17. In Tameside's case, it has not elected to produce local area profiles. The reason for this is set out in its Statement of Gambling Principles at para 26.1, which explains that the main issues will be covered by the applicant's risk assessment required under the Gambling Commission's Licence Conditions and Codes of Practice.

18. In accordance with Tameside's Statement of Gambling Principles, the applicant's detailed risk assessment is included in its bundle.

19. Importantly, Tameside's Statement of Gambling Principles does not define any area as one in which further gambling premises should not be permitted. To the contrary, paragraph 8.14 states:

As per the Gambling Commission's Guidance to local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.

20. Instead, the Statement of Gambling Principles asks that risk to the licensing objectives be properly addressed by individual applicants. Those risks have been addressed by the applicant in this case.

21. The Statement of Gambling Principles set out the measures which it expects operators to take. So far as protection of children and vulnerable people are concerned, these measures are all dealt with by the applicant as follows.

Paragraph number	Requirement	Response
8.23	Supervision of entrances / machines	Entrances are supervised by staff and CCTV. Think 25 is operated.
8.23	Segregation of areas	Children are not permitted to enter so segregation is not required
8.25	Premises layout to ensure children do not access areas used for gambling.	Children are not permitted to enter at all.
8.25	Think 21	Cashino operates Think 25
8.25	Signage at entrance	Cashino displays age restrictions at entrance
8.25	Staff training re safeguarding	All staff are trained
8.25	Reporting loitering outside premises	Staff are trained to monitor, record and report
8.25	Door supervision if required	Cashino will employ door supervisors if required in particular premises, in the light of experience, although the need for this has proved rare.
8.26	Policies and procedures as required by Gambling Commission, in particular staff training records and self-exclusion records.	Cashino maintains documented staff training records and self-exclusion records.
8.27	Self-exclusion policies.	Cashino has self-exclusion policies, which are the subject of staff training. The policies are implemented and records are

		kept and audited.
8.29	Alcohol not to be offered as an inducement to gamble.	No alcohol is available at all.
8.30	Provision of problem gambling information, including machine gaming odds and time or monetary limits.	Cashino provides extensive information. Machines explain odds. Customers have the facility to set time and money limits.
8.31	Data on problem gambling including interventions, self-exclusions, attempted entry / gambling by children.	All records are stored electronically and are available for inspection.

22. Accordingly, the application is compliant with all of Tameside's requirements.

Application of statutory test

23. As the Panel will be aware, each piece of licensing legislation sets out a different approach to the question of grant. The approach relevant to gambling is in section 153 of the Gambling Act 2005:

"In exercising their functions under this Part, a 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 code of practice [issued by the Gambling Commission]

(b) in accordance with any relevant guidance issued by the Commission

(c) reasonably consistent with the licensing objectives (subject to (a) and (b))

(d) in accordance with the [authority's statement of licensing policy] (subject to (a) to (c))."

24. In this case,

(a) the application is fully compliant with the relevant codes of practice;

- (b) it is fully compliant with the Commission's guidance;
 - (c) it is reasonably consistent with the licensing objectives (which are in any event subject to (a) and (b));
 - (d) it is in accordance with Tameside's policy (which is in any event subject to (a) to (c)).
25. Accordingly, the Act states that the licensing authority should aim to permit the application. The Commission describes this as the authority's "primary obligation" (Guidance para 7.56).
26. As the Commission also advises:
- (a) Licences should not be refused where relevant objections can be dealt with through the use of conditions (para 9.28);
 - (b) Moral and ethical objections to gambling are not a valid reason to reject an application (para 5.34);
 - (c) An authority's decision cannot be based on a dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (para 5.34);
 - (d) Any refusal should be for reasons which demonstrate that the licensing objectives will not or are unlikely to be met (para 5.34).
27. In this case, all the requirements of the Gambling Commission's Codes and Guidance are met, as are the requirements of the licensing authority's own policy, which itself does not presume against applications in any give area. More than this, the authority may take assurance from the fact that the applicant is a highly competent operator with an excellent track record, which will manage the premises in a compliant manner, work with the authorities and protect players in accordance with the law and regulation, and in a manner which reflects local concerns.

Objections

28. The thrust of the objections is that the premises are on a thoroughfare used by children and young people, that local youths congregate and engage in anti-social behaviour and that vulnerable persons in what is a deprived area may be enticed to gamble.
29. So far as the use of the thoroughfare is concerned, all Cashino premises are in busy high street locations which are extensively used by persons of all ages. The prohibition of entry for under 18s, the lack of any advertising attractive to young people, clear signage preventing under 18s

coming into the premises and the enforcement of a Think 25 policy means that this is not an issue in Cashino premises.

30. So far as the behaviour of local youths is concerned, the Police are supportive of the application because it will add to rather than harm local surveillance and control. In the event of issues arising, the applicant is a well-resourced national company with the ability to respond to such issues if they arise.
31. So far as protection of players is concerned, the applicant is an industry-leader in terms of protective systems. The fact that gambling comes with risks is the reason why there is a system of gambling regulation which is rooted in the test under section 153. Where that test is not complied with, and the issues cannot be overcome with conditions, a refusal would normally follow. Conversely, where the test is complied with, the statutory obligation is to aim to grant. Here the test is complied with.
32. If, however, a licence is granted but issues emerge, the licence may be reviewed. This has never happened at a Cashino premises, but the authority and objectors may take assurance that the power is there to be used if necessary.
33. Finally, a more detailed objection has been made by the Registrar of Public Health. It is necessary just to say a word or two about the objection.
34. The objection suggests that 3% of the adult population is likely to have a gambling problem which leads to a suggestion that there are 570 adults in Droylsden with a gambling problem.
35. The authoritative information on rates of gambling problems is set out in the Gambling Commission's Statistical Report "*Participation in gambling and rates of problem gambling*" (April 2018), which is in turn based on the British Gambling Prevalence Survey and the Combined Health Surveys for England. The report states that 0.7% of the population are problem gamblers according to standard diagnostic criteria. Those who are problem gamblers tend to play across a number of platforms (e.g. online, betting offices, pub gambling etc.)
36. The Registrar's figure of 3% derives from a study based on a YouGov survey. However, as the study itself concludes:

Analysis of these differences concluded that probability estimates in the combined health surveys may somewhat under-estimate the true prevalence of problem gambling, whereas in the YouGov population survey estimates are likely to be working in the opposite direction. The true value probably lies closer to the combined health surveys than to the YouGov survey.

37. The Registrar then refers to a study showing that 14% of children in the age 11-16 bracket have gambled in the last week and 39% in the last 12 months. However, as the study itself states, the most common gambling activities among young people are betting with friends, National Lottery Scratchcards, fruit machines in arcades, pubs or clubs and cards for money with friends. As it says:

"Much of the gambling activity among this age group takes place in locations that do not require a gambling premises licence (for example, playing on fruit machines in pubs or private bets at school or at home). Underage gambling activity is less prevalent at licensed premises such as betting shops, bingo halls and casinos."

38. The applicant is able to assure the licensing authority that underage gambling will not be an issue in these premises, if licensed.
39. More fundamentally, it does not follow that if there are problem gamblers in an area that a licence should be refused. That is not what the Act, national guidance or local policy says. Rather, operators must have appropriate measures to mitigate risk as required by the law, Commission conditions and codes of practice and local authority policy. Here, there is no challenge to the adequacy of the applicant's measures.

Conclusion

40. This application is fully in accordance with the requirements of the Gambling Act and Regulations, the Commission's Codes of Practice and Guidance and Tameside's local policy. That local policy, rightly, does not state that applications made in particular areas, including Droylsden, should be refused. Rather, it requires a competent risk assessment and a set of measures to mitigate the risk of gambling-related harm. These have been described and will be fully delivered.
41. Accordingly, the authority is respectfully requested to grant this application, subject to the suggested conditions.

PHILIP KOLVIN QC
17TH August 2020

Cornerstone Barristers
London WC1

LICENSING SUB - COMMITTEE HEARING – 20TH AUGUST 2020

SUPPLEMENTAL STATEMENT – AMANDA KIERNAN

Cashino Gaming Limited

1. Cashino Gaming Limited operates a national estate of over 163 licensed bingo, adult gaming centre and family entertainment centre premises
2. Cashino Gaming Limited is a leading national operator of bingo premises with clear and proactive policies to promote the Gambling Licensing Objectives. We always endeavour to liaise with Responsible Authorities concerning the operation of our premises and pre-consult with the police prior to making new applications.
3. Cashino Gaming Limited has full authority to provide bingo facilities through the grant of an Operating Licence issued by the Gambling Commission, which has approved the measures which Cashino Gaming Limited has put in place to ensure that it implements effective anti-money laundering procedures, security procedures and trades responsibly in accordance with gambling legislation, the Licensing Objectives and the Licence Conditions and Codes of Practice.
4. Cashino Gaming has never had a review of a bingo premises licence.
5. Cashino Gaming Limited holds key positions within the Bingo Association and BACTA (the trade association for the amusement and gaming machine industry in the UK) Executive and Social Responsibility Committees, working closely with these groups to innovate and promote Compliance and Social Responsibility within the industry.
6. Cashino Gaming Limited has 50 Personal Management Licence Holders throughout its Operational structure, all of which are aware of their roles and responsibilities in regard to the Licence Conditions and Codes of Practice (LCCP).
7. Cashino Gaming Limited has appointed a dedicated team of compliance auditors that work independently of the Company's Operations Team to continually assess premises' compliance with the governing legislative standards and Company Policy and Procedure. The Company conducts a minimum of two compliance audits per year in each venue. Audits include Regulatory Compliance, Customer Interaction, Incidents, Self-exclusion breaches and Age Verification records. During the audits, premises staff are tested on their level of knowledge and understanding of all relevant criteria. Venues may be re-visited and any additional training needs addressed. Records of incidents, interactions, self-exclusion breaches and age verification checks are collated on a central hub, which is regularly reviewed and monthly reports are provided to Operations Teams.
8. Cashino Gaming Limited operates a strict marketing and promotional guidelines policy, which has been developed in accordance with the Gambling Commission's Licence Conditions and Codes of Practice and the Advertising Standards Authority's Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP) Codes. Venue window displays are designed in consideration of premises location and maintain the Company's focus that all gambling should be carried out in socially responsible manner. Direct line of sight into premises is blocked by appropriate window displays and barriers adjacent to entrances, which minimise exposure of underage individuals to ambient gambling.

Relationship with the Responsible Authorities and Interested Parties

9. Cashino Gaming Limited takes its duty to operate safe and Gambling Act 2005 compliant premises seriously. To this end, the Company has always sought to maintain good relations with local police and licensing authority teams.
10. For the purposes of the current application the local Police Licensing team were initially consulted in June 2020.
11. PC Martin Thorley, District Police Licensing Officer discussed our proposals with local ward enforcement officers who did not raise any concerns regarding the proposed Merkur Slots operation, nor were any concerns identified regarding the operation of the Coral Racing Limited betting premises that previously operated at the shopping centre. The police licensing team did not identify any concerns of crime or disorder associated with gambling premises.
12. Cashino Gaming Limited has considered the police licensing team's comments, local police crime statistics and the premises location. In line with the Company's operational procedures a number of licence conditions have been proposed, a copy of which is included within our hearing documentation.
13. Lines of communication will be maintained with the local police to ensure that local knowledge is continuously shared and that the premises adapt to any emerging risks or local concerns identified.
14. Throughout the 28 day consultation period, none of the Responsible Authorities under the Gambling Act 2005, those of most relevance being the Licensing Authority, local Police, Gambling Commission, Environmental Health and Child Protection teams, have raised any concerns or questions regarding Cashino Gaming Limited's bingo premises licence proposals. None have objected.

Cashino Gaming Limited Compliance – Protection of the Vulnerable

15. Cashino Gaming Limited operates on-boarding and 6-monthly refresher training programmes for all employees. Training modules include 'The Essentials of Compliance and Social Responsibility' which covers the Gambling Act 2005 and Licence Conditions and Codes of Practice objectives and 'Safeguarding Children & Vulnerable People', which focusses on assisting staff to recognise and respond to indicative behaviours of potentially problem gambling and vulnerability and how to conduct effective customer interaction.
16. Cashino Gaming Limited have two National Training Centres where venue teams receive face to face training which includes identifying signs of potential problem gambling and other vulnerabilities such as homelessness. Staff are rigorously trained to take appropriate action such as where to refuse service and to support the customer including advising them of gambling support agencies such as GambleAware.
17. All Cashino Gaming Limited's training and compliance policies and procedures have been audited by the Gambling Commission and comply with the Operating Licence conditions.
18. Cashino Gaming Limited ensures that all staff continue to promote responsible gambling through customer behaviour observation and interaction.
19. Cashino Gaming Limited promotes the use of the customer self-help tool called Playright. All venues have the capability for customers to sign up to the App and staff are fully trained and able to advise on its use. This responsible gambling tool enables

customers to set time limits on their machine play. Subject to the customers' set permissions, the system has the ability to send an alert to the venue should the customer enter at a time they have chosen not to gamble. This alert would then trigger a customer interaction.

20. All Cashino Gaming Limited's bingo premises are adult only and operate a strict Challenge 25 policy. Age verification procedures are embedded in Company training platforms and responsible gambling policies. Age verification test purchasing and mystery shopper visits are frequently carried out by third party companies (Check Policy and Store Checker). Company age verification tests for 2019/2020 resulted in a pass rate of 96.09% which is 20% higher than the Industry average and all venues receive 3 or 4 random test visits per year.
21. Extracts of Cashino Gaming Limited's Compliance and Social Responsibility policy have been included with our hearing documentation, which highlight the priority given to responsible gambling and the provision of responsible gambling information to our customers and staff members.

Proposed site location

22. Coral Racing Limited previously operated a licensed betting premises from Unit 28 of the Shopping Centre until last year when the premises licence was surrendered. As such, there will be no net increase in the number of gambling premises at the centre as a result of the current application and I note that the location was previously deemed suitable for the operation of gambling premises.
23. Cashino Gaming Limited has prepared a detailed local area risk assessment in consideration of Tameside Metropolitan Borough Council's Statement of Principles under the Gambling Act 2005, local crime statistics and local establishments.
24. Cashino Gaming Limited operates in many high street and other locations that are situated in the vicinity of shops and schools, which are subject to potentially higher levels of footfall from Children and Young Persons. Staff training and company policy is designed to mitigate the potential risk of underage gambling.
25. Potential risks identified by analysis of local area vulnerability statistics are incorporated in to the premises' local area risk assessment.
26. It is rare for our premises to be associated with anti-social behaviour or crime and disorder but our staff training procedures and security measures are designed to monitor customer behaviour and external areas for anti-social behaviour. Company policy ensures that appropriate steps are taken to minimise any risks and we record and report any incidents or concerns to Company management, for internal review and assessment, and local authorities.
27. All staff training is developed to consider local area characteristics and Merkur Slots operates on the basis that its controls and best practice are adopted at all times. Cashino Gaming Limited's training scheme and control systems are proven to be effective across the Company's licensed estate but local premises management will happily work with any local authorities to reinforce local concerns within premises' training and operation.

Premises Operation

28. The premises will be managed by an experienced shop manager who will in turn be supported by a complement of staff who will all have received the comprehensive level of training appropriate to their specific role. Training focuses on the promotion of the

Licensing Objectives and a copy our Policies and Procedures have been provided as part of our hearing bundle.

29. The Merkur Cashino premises layout has been developed to facilitate customer observation and all staff members provide regular sweeps of the premises to ensure positive engagement with our customers and facilitate observation and customer interaction.
30. All Cashino Gaming Limited's staff members actively monitor and manage the area immediately outside their premises and record all incidents should they occur. Reporting lines are set up with local police teams to ensure that any potential local issues are identified and addressed.
31. All Cashino Gaming Limited premises operate extensive CCTV throughout customer facing areas and also external areas to assist with monitoring customer behaviour and that of other individuals in the immediate vicinity of the premises. CCTV monitors are appropriately situated to ensure that all customer areas are monitored.
32. Cashino Gaming Limited premises are willing to actively participate in any local area Betwatch/Pubwatch or similar schemes, should they be set up in the future.
33. The premises will operate a no pre-planned single staffing policy after 20:00 policy and staff rotas are designed to be adaptable to customer numbers.

Conclusion

34. The business of Cashino Gaming Limited is the provision of safe and pleasant gaming environments. It remains crucial to the business that customers feel safe and welcome in Merkur bingo premises. This principle is fundamental to Company management strategy from head office to premises level.
35. When and if issues of any kind do arise, the resources and commitment are in place to ensure that they are speedily resolved. For obvious reasons, Cashino Gaming Limited does not wish to run licensed venues which cause regulatory issues, and the Company devotes a great deal of time and resources to ensuring that there are none.
36. In my experience a good manager and their team will know regular customers well and new customers will always attract raised awareness.
37. In my experience I can state that it is rare for bingo premises to be the cause of, or otherwise associated with, crime, disorder or nuisance to nearby premises due to the nature of our gaming premises and our customer base.
38. Cashino Gaming Limited continues to take very seriously any issue which its presence creates, both out of respect for the local community and because its licence and commercial reputation depends upon it.

Ms Amanda Kiernan, Head of Compliance, Cashino Gaming Limited

Date: 14th August 2020

WITNESS STATEMENT

(CJ Act 1967, s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

Statement of: Darrell John Butterworth

Age if under 18: Over 18

Occupation: Licensing and Security
Compliance Manager

(if over 18 insert "over 18")

This statement (consisting of 10 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th August 2020

Signature: D J Butterworth

1. My name is Darrell John Butterworth and I currently operate as a self-employed Licensing and Security Authority Compliance Consultant. I have conducted this business since creating a company, Edmund Locard Licensing and Security Solutions, on the 1st January 2011. I make this statement in relation to an application by Merkur Slots for a Premises Licence under the Gaming Act at Unit 8/9 Droylsden Shopping Centre, Manchester M43 7YY ("The Venue").

Experience

2. Prior to taking up this role with Edmund Locard Ltd I completed 30 years service with the Greater Manchester Police in a variety of uniform and non-uniformed roles. The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.
3. During the period as the Force Licensing Inspector I was responsible for the good conduct and compliance of premises operating under a variety of licences including outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates Court hearings, Crown Court Appeals, The High Court, The Court of Appeal and Council Licensing Committee hearings to

Signature D J Butterworth

oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level.

4. Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection I became secretariat to the ACPO National Licensing officers group and National Licensing Forum (NLF).
5. During my time in charge of the Licensing Unit I worked very closely with David Thornton, the local Gambling Commission Inspector, conducting joint operations on both legal and illegal gaming establishments.
6. In 2006 on leaving the Central Licensing Unit I received a Chief Officers Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003.
7. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. This involved the supervision of over 50 police officers, community support officers and civilian support staff. Within my role as a Neighbourhood Policing Team Inspector I was required to conduct analysis of crime and incident trends in order to ensure that resources and tactics were deployed appropriately. The outcome of this analysis ensured that resources were deployed in the right numbers, in the right areas at the right time. On a monthly basis I also presented these statistics to the town's multi agency tasking group to ensure all agencies had the relevant information on crime trends.
8. I have continued my professional development in regards to licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors course. This enabled me to successfully apply for a Personal Licence and become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the BII enabling me to carry out training in the award for responsible alcohol retailing and award for personal licence holders. In October 2018 I attended a training course on Licensing Hearings and Appeals and in November 2019 I attended a seminar for Licensing Consultants.

Signature *D J Butterworth*

9. I have conducted a number of gambling-related assessments both for local authorities and private companies. When conducting observations I act totally independently of those instructing me and my report accurately reflects what I have seen. I insist that local operators are unaware of my visits taking place and understand that this was the case for the current investigation.

Terms of reference

10. I have been requested by Richard Bradley of Poppleston Allen solicitors to conduct an investigation into a new Gambling Premises Licence application at Unit 8/9 Droylsden Shopping Centre, Greenside Lane, Manchester M43 7YY. The application has received representations from a number of interested parties and the following terms of reference for the investigation have been agreed with those instructing me.
- a. To visit the areas of the proposed site and conduct observations to verify the veracity, or otherwise of the statements made within the representations.
 - b. To visit similar locations where Merkur Slots currently operate licences to assess the impact of those venues on the local communities.
 - c. To analyse the current crime trends in the area to see what impact the existing premises have on Crime and Disorder.
11. In order to address my investigations to the matters of concern I have seen and read the application, representations submitted and area impact assessment report. I ascertained that representations had been made on the following grounds:
- The premises closing much later than the shops ;
 - Teenagers hang around and break into places;
 - That it is on a well-trodden school route;
 - That there is a high prevalence of teenage gambling including bingo; and
 - That this is a particularly impoverished area.

Crime and Disorder

12. In my experience it is unusual for objections to be made to an application based on Crime and Disorder in the area that the premises is operated in without the supporting evidence of police intelligence reports or crime records.
13. None of the representations made seek to criticise the operator or the manner in which they operate other venues in similar challenging locations. The representations appear to be about the area and local community in

Signature *D J Butterworth*

which the premises is located. Although statistical evidence was provided to support the representations, no evidence has been provided to show that the current Gaming Centres traded by the applicant caused any of the issues raised in the application. It is notable that the Greater Manchester Police, custodians of all the data held on this area and other locations where Merkur Slots operate, have not felt it necessary to seek any special conditions at this site by way of a formal police representation.

14. In my experience the crime, disorder and anti-social behaviour issues created from a premises licensed as a bingo club or adult gaming centre are much lower than those created from a licence granted to a betting office. There are a number of reasons for this, including the fact that people tend to go to Adult Gaming Centres on their own or in small numbers. Other than playing the machines there is no event taking place for customers to engage with each other, nor use the venues as a social meeting place.
15. The staff employed at such centres are not engaged or distracted by taking or paying out on bets so they can spend more time on the "shop floor" observing customer behaviour and resolving any low level issues before they can escalate. The general environment of such premises is also generally cleaner and tidier than an ordinary bookmakers as there are no need for betting slips, newspapers and pens which often get discarded on the floor of betting shops.
16. As a result of this less intimidating environment many managers are female and this was certainly the case in the Rochdale location visited. A further difference between high street bingo clubs and adult gaming centres and traditional betting offices are people tend to spend less time at a venue on each visit. They do not wait around the venue for an event to start or to finish. As a result of this, customers of such premises do not tend to loiter at a premises having engaged in gambling, and do not smoke at the front of the venue between events taking place. I did not observe any issues regarding customers congregating outside the Rochdale Merkur Slots venue or any of the other premises observed during my observations
17. As a result of the representations made regarding the unique nature of the area subject to the application, and that there appeared to be no representations made regarding the manner that Merkur Slots operated elsewhere, I decided to visit the area of the current application and the Rochdale area where Merkur Slots have operated for over 30 years.

Friday 14th August 2020

18. Merkur Slots Yorkshire Street Rochdale

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19. My observation commenced in the Yorkshire Street area of Rochdale from 12:30 pm and concluded at 14:50 that day. The Rochdale location was chosen as I have resided in the town all my life. I was also stationed as an Inspector on the Rochdale division from 1996-1998 and 2006-2010. I was aware that a Gaming Premises had been at this location for over 30 years and during my time as an Inspector I am unaware of any problems being raised by its presence.
20. As well as having a local knowledge of the area, in 2019 Rochdale town centre was deemed to be the most deprived area in Greater Manchester and 31stth most deprived area in the country.
Latest government figures show the LSOA (Lower-layer Super Output Area) which includes Rochdale town centre and parts of the neighbouring estates of College Bank and Lower Falinge is the 31st most deprived place in England.
21. On arrival on Yorkshire Street I noticed the regular presence of groups of street drinkers and a male sat on an old blanket begging. I photographed the Merkur Slots venue (exhibit reference letter DJB 1 refers). The unit advertised as being open 24/7. I then looked around the area for signs of local authority controlled CCTV cameras which are often located in areas of high crime and disorder. One such dome camera was located immediately outside the premises at the junction of Yorkshire Street and New Bailey Street.
22. I then looked around the area for signs of residential accommodation which I could not find in the immediate vicinity. Two other gambling machine premises were located at 55 (LeisureTime) and 88 (Admiral) Yorkshire Street. A pawn brokers (H & T) was located opposite, William Hill next door but one, and Paddy Power and Betfred bookmakers diagonally opposite.
23. The nearest educational establishment was the Rochdale sixth form college on St Mary's gate and the nearest religious building was the parish church of St Mary located in the Baum. The Regal Moon Wetherspoon's and Roebuck public houses were within 50 metres of the premises.
24. At 1244 I observed a dishevelled looking male searching through the rubbish bins on Yorkshire Street. 1 person was betting in Betfred, 9 customers in Paddy Power and 8 customers in William Hill. I then entered the Merkur Slots venue where 4 customers, wearing face masks were using the machines. A male and female member of staff were present and I noted signage containing the Gambling Premises Licence, Challenge 25, responsible gambling and No alcohol. Face covering was mandatory and hand sanitisers were positioned in a number of locations around the premises. I later returned to the venue and took a photograph of the signage (exhibit reference DJB 2 refers).

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25. I then visited the LeisureTime and Admiral premises. LeisureTime was advertised as opening from 0830 till late and had 11 customers. Admiral was advertised as opening until 11pm and did not have any customers inside. I then visited the Regal Moon public house which had approximately 90 customers, the majority of whom appeared to be consuming intoxicants.
26. I then positioned myself opposite the front of the Merkur Slots premises and conducted observations on the patrons entering and leaving and the passing pedestrians. Without exception the passing pedestrians appeared to be indifferent to the presence of the gambling premises. Customers entering and leaving the premises appeared to be aged 30+ and was 50% male and female. None of the street drinkers or beggars went near the premises, attempted to enter or harassed the customers entering or leaving. Between 1315 and 1330 315 people passed along Yorkshire Street past the front of the premises.
27. At 1333 two Rochdale Council refuse collectors entered the Merkur Slots premises and exited a few minutes later holding mugs of tea which they drank whilst enjoying the afternoon sunshine. At 1354 two males sat on the public benches opposite the shop and talked in loud voices about football and horse bets that they had put on.
28. At 1418 a male aged approx. 27 asks one of the males sat on the bench for a rizzla paper which is handed over. Neither of the males were customers of Merkur Slots. Between 1415 and 1430 407 pedestrians walk past the shop
29. At 1433 there were 4 customers in Betfred, 8 in Paddy Power and 5 in Merkur Slots. I then identified myself to the two members of staff in Merkur Slots in order to make a more detailed assessment of the unit. Both members of staff wore ID badges and a challenge 25 pin badge. Irene the assistant manager informed me that the premises had 67 machines. They did not feel that the premises was an intimidating place to work and infrequently they had to ask customers to prove their age. At 1448 I then left the premises and revisited William Hill (9 customers), LeisureTime (12 customers) and Admiral (2 customers and two female members of staff). I then ceased my observations and made my way to the Droylsden area of Greater Manchester.

Droylsden Shopping Precinct

30. I arrived at the Droylsden shopping precinct at 1530 hours on Friday 14th August 2020. I located unit 8/9 and noted that the two shuttered doorways to the units were displaying the legal notices advertising the application. I then looked around the area for council controlled CCTV cameras. The only cameras that I could locate were on the retail shopping centre car park, at the junction of Market Street and Manchester Road, Metrolink platform and outside the post office on Manchester Road.

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31. I then looked around the area for signs of residential accommodation that may have been impacted by the granting of the licence at this location. The nearest residence I could locate was the Guinness Trust Housing at Fairfield House on Manchester Road. The nearest school to the application site was St Margaret's C of E primary school on Church Street. The nearest religious buildings were St Margaret's Church also on Church Street and the Evangelical Church of the Lamb Ministries, Market Street located on the other side of Manchester Road.

32. Rioba café was open at this time and was located diagonally opposite the clock tower. Also open in the area were Silly Country (40 customers), Bee Hive, Church Hotel and the Kings Head public houses. Other gambling premises open in the area were William Hill (3 customers) and David Puck (4 customers). The second William Hill shop and Betfred were 0.5 miles away so I did not visit those locations. I noted that 4 units were closed and up for Let on the retail park and 25 units were closed on the shopping precinct.

33. At 1607 4 teenagers sat on the public benches outside Barnardo's talking before moving off. Between 1615 and 1630 53 pedestrians walked past the site of the proposed shop. An advertisement in Savers stated that the store would be closing down on the 15th August, Select Store was having a "Massive Clearance Sale", and Poundstretcher was having a closing down sale, meaning further empty units in the area. I did note a new venue advertised to be opening soon on the Manchester Road side of the precinct. Industry Bar and Pizza was being created, which would assumedly open into the later evening than some of the other units in the area,

34. I noted that there was none of the begging or street drinkers in the area that I had noted in my Rochdale observations. Of the closed down units, only one with shutters had been tagged with initials "KLAS" and those with-out shutters none had windows broken or been vandalised. There was no damage to any of the street furniture or shrubbery and the area appeared to be well respected. There was no evidence to support the representation that youths frequented the area causing damage and breaking into properties.

35. At 1702 a male pedestrian was observed reading the licence application notice. At 1710 5 males, aged approx. 12 years, were sat talking on the public benches at the front of the application site. At 1721 a male urinated at the rear bin stores behind Gregg's bakery. The male then got into the driver's seat of a nearby car and drove off. Between 1715 and 1730 33 pedestrians walked past the site of the proposed premises. Between 1815 and 1830 only 6 adults and no children walked past the site of the proposed shop.

36. Still open in the area at 1830 were William Hill, David Puck, Hannah's Nails, Bee Hive, Kings Head, Bespoke Hair and Lash Bar, Raajas, Bombay Spice,

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Radhuny, Tortuga, Fade Blade, Silly Country, Raw Shack, Pronto Pizza, Save More, Rosa's, Vape Lounge, Sake, Carimex, Tame, Church Hotel, Jam Works, Mumbai to London and David Puck.

37. I continued to watch the precinct area from 1900- 2115. During this time approximately 70 people walked past the site of the proposed shop. None of these people loitered on the precinct but passed by towards Manchester Road, Market Street or across the retail car park. The age of these people ranged from 7 years to 75 years and a mixture of single males and females, dog walkers, joggers, and other small groups of pedestrians. Between 2010 and 2100 5 females and 2 males aged approx. 16 years of age were sat in the centre of the retail car park. The group were talking and on one occasion two girls left and returned a short time later carrying soft drinks and what appeared to be pre-prepared couscous. So respectful were this group that they made regular trips to the litter bins in front of the retail units to deposit their rubbish. At 2100 the two males went to the tram stop and the females left the area on foot.

38. Still open in the area at 2130 were William Hill (No customers), Bee Hive, Kings Head, Raajas, Bombay Spice, Radhuny, David puck. (2 customers), Mumbai to London, Jam works, Silly country, Sake, Carimex, Church hotel, Pronto Pizza, Rosa, Giovanni, Purple flame, Bollywood and Tortuga. At 2145 I ceased my observations and left the area.

Saturday 15th August 2020

39. I arrived in the Droylsden area at 1315 hours. The area appeared to be the same as on my previous days visit. Two new units had opened on the precinct (Fix my phone and British Red Cross) meaning 23 of the units appeared to be closed down. The same other shops appeared to be open and 12 customers were seated outside Rioba and 8 inside. Between 1330 and 1345 129 pedestrians walk past the site of the proposed shop. 30 people were inside and outside Silly Country, the majority appearing to be consuming alcohol. At 1348 David Puck had 1 customer and 7 people were in William Hill.

40. At 1420 a male and female were seen handing out leaflets on the corner of the proposed site. Thinking that it may have been leaflets to highlight the current application I enquired what the leaflets were for and found that they advertised a specialist shoe service for females and young children.

41. From 1430-1445 131 pedestrians walked past the proposed site. At 1542 cafe Rioba closes. From 1530-1545 95 pedestrians walked past the proposed site. 53 customers were inside and outside Silly Country. At 1610 David Puck had 2 customers and William Hill had 6 customers. At 1626 a male reads the licensing notice attached to the shutter of the venue. At 1644 2 females walk through the precinct and one says to the other, "Bloody hell. It's going to be

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like a ghost town if any other shops close". From 1630-1645 56 pedestrians walk past the site of the proposed shop.

42. At 1730 a female member of staff from Saver shouted, "Bye Droylsden" to an empty precinct as they closed their doors for the last time. From 1730-1745 28 pedestrians walked through the precinct. At 1800. 4 females age 14 sit on the benches outside Rioba talking. At 1832 the 4 females leave the area. From 1830-1845 15 people pass through the precinct. Still open at 1900 were Bombay Spice, Raajas, Radhuny, William Hill (4 customers), David Pluck. (2 customers), Mumbai to London, Jam Works, Silly Country (120 customers), Church Hotel, Sake, Carimex, Pronto Pizza, Save, Rosa's, Rasta barbers, Vape lounge, Giovannis, Purple Flame, Bollywood and Tortuga. Between 1900 and 2030 63 people pass through the precinct. The age range was from children in prams to 65 years of age. The only noteworthy occurrence was at 1933 a scruffy male aged approx. 28 years of age was seen picking what appeared to be cigarette dregs up off the floor as he passed through. Still open in the area at 2045 were William Hill, Bee Hive, Kings Head, Raajas, Bombay Spice, Radhuny, David Pluck, Mumbai to London, Jam works, Silly country, Sake, Carimex, Church hotel, Pronto Pizza, Rosa, Giovanni, Purple flame, Bollywood and Tortuga. At 2100 I concluded my observations and left the area.

Summary

43. During this period of observations I did not observe any conduct outside any of the Gaming Centres or betting offices which came close to the comments made within some of the representations in respect of the application.
44. During my time spent at the two locations I saw no signs of routine foot patrolling of the areas by police officers or police community support officers. Conduct often associated with areas of high incidents of Crime and Disorder.
45. Having visited the two areas where a current licence exists and the area of the proposed site I would consider the Rochdale site to be the most challenging to operate a gambling premises. This assumption is made based on the footfall through the area, social deprivation and the presence of street drinkers and beggars. Since the operator has managed to run their business in such an area for three decades, without creating the issues raised in the representations, I see no reason why a similar operation in the Droylsden precinct would cause any such problems. I would say the same even if I had seen signs of youths loitering in the centre. In my experience, there is no reason to believe that this operation would add to any issues being experienced.

Conditions proposed by the applicant

46. Although I did not see any issues of concern during these observations I have seen the list of conditions that have been proposed by the applicant in support of their application. In my opinion the conditions offered will act as a

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deterrent to crime and disorder and prevent the concerns highlighted within the representations.

Conclusion

47. Having conducted observations at hundreds of locations across the country over the past ten years, these observations in Droylsden were probably the most incident free that I have undertaken. Despite the area containing 6 public houses, two betting offices, take-away and off licence venues, along with visiting the area on hot summers nights and one evening when Manchester City played a European Cup quarter final, I still found little of noteworthiness. Other than recording routine footfall counts and shop closing times I struggled to find anything to include in my report.
48. I did not observe any conduct to support the concerns raised in the representations made to the application based on its location or the applicant. I therefore concluded that the granting of a gaming premises licence at this location would not lead to a change in the current situation as envisaged. The granting of such a licence may have the opposite effect and assist in the regeneration of a shopping area that appears to be struggling to survive. From my experience, there is no reason to suppose that the presence of a bingo premises at this location would exacerbate any issues in the centre.
49. This conclusion is based on my observations in the Rochdale and Droylsden area, 30 years' experience in Greater Manchester Police (6 years as an Inspector on the Rochdale division) and residing in the Rochdale area where this operator has functioned successfully for over 30 years.

D J Butterworth

17th August 2020

Appendix

Exhibit reference letter DJB 1 Photograph of existing site in Rochdale

Exhibit reference letter DJB 2 Photograph of notices at the Rochdale site

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Exhibit DJB1



