

APPLICATION FOR A NEW BINGO PREMISES LICENCE: 'MERKUR SLOTS', PART GROUND FLOOR, 62 STATION ROAD, HAYES, UB3 4DF

Committee	Licensing Sub-Committee
Officer Contact	Lois King, Principal Licensing Officer
Papers with report	<ul style="list-style-type: none">• Appendix 1 – Application Form & Supporting Information• Appendix 2A – Representation from Christine O'Hara-Carnduff• Appendix 2B – Confirmation of date of receipt of Representation• Appendix 3 – Map showing Gambling Premises in Hayes Town• Appendix 4 – Relevant sections of Licence Conditions & Codes of Practice (LCCP)• Appendix 5 – Table of Categories of Gaming Machines
Ward affected	Hayes Town

SUMMARY

To consider representations in respect of a new bingo premises licence for the premises, 'Merkur Slots', part ground floor, 62 Station Road, Hayes, UB3 4DF. The application has attracted one representation from an interested party.

RECOMMENDATION

The Licensing Sub-Committee has the following options:

1. Grant the application for the premises licence subject to the mandatory conditions and default conditions (pursuant to sections 167 and 168 of the Act) or
2. Grant the application for the premises licence subject to the mandatory conditions but excluding specific default conditions and/ or attach additional conditions.
3. Reject the application.

INFORMATION

- 1.1 An application for a new gambling (bingo) premises licence was received by the Licensing Service on 16 June 2025.

The applicant is:

Merkur Slots UK Limited
Second Floor
Matrix House
North Fourth Street
Milton Keynes
MK9 1NJ

A copy of the application form, the plans, their Local Area Risk Assessment, Form A Notice, Merkur Slots UK Limited's Operational Standards document and Working Together document can be found at **Appendix 1**.

- 1.2 In accordance with the legislation, the application was sent to the responsible authorities:

- The Gambling Commission
- The Metropolitan Police Service
- H M Revenue & Customs
- London Fire & Emergency Planning Authority
- Child Protection Service, LBH
- Environmental Health Authority, LBH
- Planning Authority, LBH

There were no representations received from the responsible authorities.

- 1.3 The application was advertised in accordance with the Gambling Act 2005 (Premises Licence and Provisional Statement) Regulations 2007 both on the premises and in the local newspaper. The 28-day consultation period started from the date the application was received. The application was also posted on the council's website and in addition was sent to Ward Councillors.
- 1.4 Following the advertisement of the application, the following representations were received from Interested Parties:
 - Christine O'Hara-Carnduff, Local Resident – **Appendix 2A**
- 1.5 The period for consultation and the making of representations in respect of this application ended on 14 July 2025.
- 1.6 Although the date on the document in **Appendix 2A** is given as 17 July 2025, it was confirmed by Riviane Araujo, Complaints and Enquiries Officer at the London Borough of Hillingdon, that the online submission was made on Sunday 13 July 2025 (**Appendix 2B**). The Council's complaints team have five working days to claim and progress cases and in the case of Christine O'Hara-Carnduff's representation, it was claimed and assigned on 17 July 2025.
- 1.7 The applicant has made a standard premises licence application for a bingo premises licence and is therefore applying for standard of times of operation for a bingo premises.
- 1.8 The applicant has an Operating Licence issued by the Gambling Commission.

OFFICER'S OBSERVATIONS

- 2.1 This is an application for a new Bingo Gambling Premises Licence under Section 159 of the Gambling Act in respect of 'Merkur Slots' situated at part ground floor 62 Station Road, Hayes, UB3 4DF. The location is in Hayes Town centre, and the premises was previously a Barclays Bank.
- 2.2 A bingo premises licence allows the holder of the licence to provide facilities for playing bingo on the licensed premises. Persons operating a bingo premises must hold a bingo operating licence from the Gambling Commission and must seek a premises licence from the licensing authority.
- 2.3 A bingo premises licence holder is entitled under the Act to make available for use a number of category B3 and B4 gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. The applicant's legal representatives have stated that the machine plan included with the application (**Appendix 1**) shows their clients intended

layout of the premises and the number and location of machines which their client expects to offer. It should be noted that the machine plan is for illustrative purposes only, should not be attached to the bingo premises licence and is subject to change. The applicant's legal representatives have stated that the number of machines offered will adhere to the permitted ratios as set out under the Gambling Act 2005 at all times.

- 2.4 The applicant has not specified the hours for trading in their application, but their legal representatives have confirmed that they are applying for the default hours under the Gambling Act 2005 which are to provide bingo facilities between 09:00 hours and midnight. There are no restrictions on access to gaming machines in bingo premises, even outside bingo operating hours.
- 2.5 **Other Licensed Gambling Premises nearby (shown on a map appended as Appendix 3)**

Premises	Address	Type	Operating times
1.Ladbrokes	Boleyn Court 9 Botwell Lane Hayes UB3 2BL	Betting Shop	Mon-Sat: 07:30-22:00 Sun: 08:30-22:00
2.William Hill	2 Botwell Lane Hayes UB3 2AA	Betting Shop	Mon-Sat: 07:30-22:00 Sun: 08:00-22:00
3.Admiral	32-36 Station Road Hayes UB3 4DD	Adult Gaming Centre	24 hours, 7 days a week
4.William Hill	57 Station Road Hayes UB3 4BA	Betting Shop	Mon-Fri: 07:30-22:00 Sat: 07:30-22:00 Sun: 09:00-22:00
5.Paddy Power	39 Station Road Hayes UB3 4BE	Betting Shop	Mon-Fri: 07:30-22:00 Sat: 07:00 – 22:00 Sun: 07:30-22:00
6.Jennings Bet	19b Station Road Hayes UB3 4BD	Betting Shop	Mon-Sat: 08:00-22:00 Sun: 09:00-22:00
7. Little Vegas	Part of 14/16 Station Road Hayes UB3 4DA	Adult Gaming Centre	24 hours, 7 days a week

CODES OF PRACTICE

- 3.1 The Licence Conditions and Codes of Practice (LCCP) sets out the Gambling Commission's general licence conditions and associated codes of practice provisions under the Act. The codes of practice are set out within the second part of the LCCP. **Appendix 4** details the relevant Social Responsibility and Ordinary Codes relevant to bingo premises and access to gambling by children and young persons.

GUIDANCE ISSUED BY THE GAMBLING COMMISSION

- 4.1 The Gambling Commission has produced the 'Guidance for Local Authorities' in relation to the 2005 Act. The information in this section of the report relates to the relevant points within the Guidance which members may wish to consider.

Objective 1 – Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- 4.2 **At Paragraph 5.3 it states:** *“Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. For example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the licensing authority should think about what, if any, controls might be appropriate to prevent those premises being associated with or used to support crime. That might include conditions on the premises licence, such as a requirement for door supervisors. The requirement for conditions might be determined by the operator’s own risk assessment or the local area profile carried out by the licensing authority.”*
- 4.3 **At Paragraph 5.5 it states:** *“In the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.”*
- 4.4 **At Paragraph 5.8 it states:** *“In relation to preventing disorder, licensing authorities have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act.”*
- 4.5 **At Paragraph 5.10 it states:** *“Licensing authorities do not need to investigate the suitability of an applicant for a premises licence, including in relation to crime. The issue of suitability will already have been considered by the Commission, because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued. However, if the licensing authority receives information during the course of considering a premises licence application or at any other time, that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.”*

Objective 2 – Ensuring that gambling is conducted in a fair and open way.

- 4.6 **At Paragraph 5.11 it states:** *“Generally, the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness are likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. However, if licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider*

the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.”

Objective 3 – Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 4.7 **At Paragraph 5.13 it states:** *“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 (for example bingo and family entertainment centre (FEC) premises) but which make gambling products and facilities available.”*
- 4.8 **At Paragraph 5.17 it states:** *“The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define ‘vulnerable persons’ but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”*
- 4.9 **At Paragraph 5.18 it states:** *“Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk that is reflected in the licensing authority’s policy statement. Any such considerations need to be balanced against the authority’s objective to aim to permit the use of premises for gambling.”*

Section 153 principles

- 4.10 **At Paragraph 5.19 it states:** *“S.153 of the Act provides that, in exercising its functions under Part 8 of the Act, a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:*
- a. in accordance with any relevant code of practice under s.24 (the LCCP)*
 - b. in accordance with any relevant guidance issued by the Commission under s.25 (this guidance)*
 - c. reasonably consistent with the licensing objectives (subject to a and b above)*
 - d. in accordance with the licensing authority’s statement of licensing policy (policy statement) (subject to a to c above).”*
- 4.11 **At Paragraph 5.20 it states:** *“Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with this guidance, any relevant Commission code of practice, its own statement of licensing policy, and the licensing objectives.”*
- 4.12 **At Paragraph 5.22 it states:** *“In determining applications for premises licences, the Act explicitly sets out two principles that licensing authorities should **not** have regard to:*
- s.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application*

- s.210 (1) of the Act states that ‘in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building’.

Premises Licence conditions

- 4.13 **At Paragraph 9.3 it states:** “Conditions on premises licences should relate only to gambling, as considered appropriate in the light of the principles to be applied by licensing authorities under s.153. Accordingly, if the Commission’s Licence conditions and codes of practice (LCCP) or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not appropriate to impose the same through conditions on a premises licence.”
- 4.14 **At Paragraph 9.25 it states:** The following mandatory conditions apply to all premises licences:
- the summary of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises. In England and Wales this must include a summary of the terms and conditions of the premises licence.
 - the layout of the premises must be maintained in accordance with the plan that forms part of the premises licence.
 - neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises in England and Wales. Sale of National Lottery and private lottery tickets are prohibited in Scotland.
- 4.15 **At Paragraph 9.27 it states:** “s.169 of the Act gives licensing authorities:
- the ability to exclude from premises licences any default conditions that have been imposed under s.168
 - the power to impose conditions on premises licences that they issue.”
- 4.16 **At Paragraph 9.28 it states:** “Licensing authorities should make decisions on conditions on a case-by-case basis, and in the context of the principles of s.153. They must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission’s codes of practice and this guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.”
- 4.17 **At Paragraph 9.29 it states:** “Licensing authority statements of policy will need to consider the local circumstances which might give rise to the need for conditions. Where there are specific risks associated with a particular locality, the licensing authority might decide to attach conditions to the premises licence to mitigate those risks. For example, local issues associated with a high crime rate may put a premises at risk of not being consistent with the licensing objectives, and specific conditions may be necessary to address the risk.”
- 4.18 **At Paragraph 9.30 it states:** “Where there are risks associated with a specific premises or class or premises, the licensing authority may consider it necessary to attach conditions to the licence to address those risks, taking account of the local circumstances.”
- 4.19 **At Paragraph 9.31 it states:** “Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:

- *relevant to the need to make the proposed building suitable as a gambling facility*
- *directly related to the premises (including the locality and any identified local risks) and the type of licence applied for*
- *fairly and reasonably related to the scale and type of premises*
- *reasonable in all other respects.”*

4.20 **At Paragraph 9.32 it states:** “The Act sets out certain matters that may not be the subject of conditions:

- *s.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition*
- *s.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation*
- *s.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)*
- *s.171 prevents a licensing authority imposing conditions in relation to stakes, fees, winnings or prizes.”*

Bingo

4.21 **At Paragraph 18.1 it states:** *Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:*

- *cash bingo, where the stakes paid make up the cash prizes that are won*
- *prize bingo, where various forms of prizes are won, not directly related to the stakes paid.*

4.22 **At Paragraph 18.2 it states:** *The game and rules of bingo have evolved to the point where, despite the absence of any formal industry standard, the way in which bingo is played is broadly similar throughout Great Britain. Bingo is equal chance gaming. The Commission has published its view of what bingo is and how it differs from other forms of gambling. This can be found in our guidance [How bingo is defined](#) (this advice does not form part of the Guidance to licensing authorities). This advice was developed with the support of key stakeholders from the bingo industry.*

4.23 **At Paragraph 18.3 it states:** *Cash bingo is the main type of bingo played in commercial bingo premises. They also offer prize bingo, largely as games played in the intervals between main stage games. This means that only premises with a bingo premises licence, or a large casino premises licence issued under the Act (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.*

4.24 **At Paragraph 18.4 it states:** *As well as commercial bingo premises, bingo can be found in other gambling premises. Prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or at travelling funfairs. For these operators, prize bingo is subject to the allowances for prize gaming in the Act. This means that, subject to limits on participation fees and prizes, adult gaming centres, licensed and unlicensed family entertainment centres, and travelling fairs, (or any premises with a prize gaming permit) are able to offer prize gaming, which includes prize bingo. In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming. See [Part 27 of this guidance](#) for a fuller discussion of prize gaming.*

- 4.25 **At Paragraph 18.5 it states:** *Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.*
- 4.26 **At Paragraph 18.6 it states:** *Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines. Licensing authorities are able to find information about the restrictions that apply in [Licence conditions and codes of practice](#) (LCCP).*
- 4.27 **At Paragraph 18.7 it states:** *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 account of the structure and layout of their gambling premises' in order to prevent underage gambling.*
- 4.28 **At Paragraph 18.8 it states:** *S.172(7), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20 percent of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20 percent of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: [Categories of Gaming Machine Regulations 2007](#)) ([opens in new tab](#)) (but not B3A) and B4 machines. Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.*
- 4.29 **At Paragraph 18.9 it states:** *The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.*
- 4.30 **At Paragraph 18.10 it states:** *Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.*

4.31 **At Paragraph 18.11 it states:** *An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.*

4.32 **At Paragraph 18.12 it states:** [Social Responsibility Code Provision 3.5.6](#) requires that all non-remote casino (and bingo and betting licences except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. There is also an [Ordinary Code provision at 3.5.7](#). The full details can be found within the LCCP.

4.33 **Mandatory conditions**

At Paragraph 18.19 it states: *A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.*

At Paragraph 18.20 it states: *No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track).*

At Paragraph 18.21 it states: *Over 18 areas, within bingo halls that admit under-18s, must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.*

At Paragraph 18.22 it states: *Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.*

At Paragraph 18.23 it states: *Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.*

4.34 **Default conditions**

At Paragraph 18.24 it states: *Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.*

Controlling where gaming machines may be played - bingo

4.35 **At Paragraph 18.25 it states:** *The following policy objectives summarise the key elements that underpin the approach to controlling where gaming machines may be played:*

- *with very few low-risk exceptions, non-remote gambling should be confined to dedicated gambling premises*
- *the distinctions between different types of licensed gambling premises are maintained*
- *gambling activities are supervised appropriately*

- within casino, bingo and betting premises, gaming machines are only made available in combination with the named non-remote activity of the operating licence.

- 4.36 **At Paragraph 18.26 it states:** *The Act and associated regulations set out a comprehensive regulatory framework for controlling gaming machines. By linking different machine entitlements to different types of premises, the framework seeks to ensure the number and power (in terms of stakes, prizes and speed of play) of machines is proportionate to the premises. For such a framework to have any meaningful effect it must be possible for regulatory authorities and consumers to distinguish between different gambling premises.*
- 4.37 **At Paragraph 18.27 it states:** *The [LCCP](#) requires [\(Social Responsibility Code Provision 9\)](#) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question. To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.*
- 4.38 **At Paragraph 18.28 it states:** *The current regulatory framework prescribes that category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. In carrying out their functions under the Act licensing authorities should satisfy themselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.*
- 4.39 **At Paragraph 18.29 it states:** *Licensing authorities are not being asked to impose a ‘one size fits all’ view of how a bingo premises should look and function. Rather they are ensuring that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.*
- 4.40 **At Paragraph 18.30 it states:** *In exercising its functions under the Act, a licensing authority should take account of the relevant code of practice on ‘controlling where gaming machines may be played’. It is specifically obliged to do so when exercising functions under section 153 of the Act. In circumstances where a licensing authority considers an existing premises is not compliant with these general requirements, they should contact the Commission at the earliest opportunity.*
- 4.41 **At Paragraph 18.31 it states:** *Both the Commission and licensing authorities have the power to attach specific conditions to operating or premises licences in circumstances where additional assurance is required. The Commission favours the approach of general conditions for all supplemented by operator-specific conditions in cases where novel or contentious operating models are used which include the provision of gaming machines. This is to deliver the policy objectives above and ensure the risk to the licensing objectives is minimised.*
- 4.42 **At Paragraph 18.32 it states:** *In the Commission’s view the above approach would ideally be adopted at licensing stage. Licensing authorities should ensure that they request all the*

information required from an applicant for a new premises or for a variation to an existing premises in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and this guidance. The approach of adding case specific conditions can equally be deployed in respect of an existing unit where concerns arise or when changes are made to the operating model.

HILLINGDON'S GAMBLING POLICY

- 5.1 The information in this section of the report relates to the relevant sections within the London Borough of Hillingdon's Statement Gambling Policy which members should consider.

General Principles

- 5.2 **At Paragraph 5.6 it states:** *"Under the Act, the Licensing Authority has no discretion to grant Premises Licences in circumstances where that would mean departing from the Gambling Commission Guidance and Codes of Practice and this Licensing Authority's own Statement of Licensing Principles. Therefore, our primary focus shall be to aim to permit the use of premises for gambling in so far as we think it is:*

- i) In accordance with any relevant Code of Practice issued by the Gambling Commission.*
- ii) In accordance with any relevant Guidance issued by the Gambling Commission.*
- iii) Consistent with the Licensing Objectives.*
- iv) In accordance with this Statement of Licensing Principles."*

- 5.3 **At Paragraph 5.7 it states:** *"The Council appreciates that gambling can be an emotive subject but acknowledges and endorses the Gambling Commission Guidance that "moral objections to gambling are not a valid reason to reject applications for premises licences " (except as regards any "no casino resolution") and also that unmet demand is not a criterion for a Licensing Authority."*

Location

At Paragraph 5.19 it states: *"The Gambling Commission Guidance stipulates that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can."*

- 5.4 **At Paragraph 5.20 it states:** *"In accordance with the Gambling Commission's Guidance for Local Authorities, this Licensing 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."*
- 5.5 **At Paragraph 5.21 it states:** *"The authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, this policy statement will be updated accordingly. It should be noted that any such future policy will not preclude any application being made with the onus upon the applicant showing how any potential concerns can be overcome."*
- 5.6 **At Paragraph 5.22 it states:** *"Each case will be decided on its merits and will depend, to a large extent, on the type of gambling that it is proposed will be offered on the premises."*

- 5.7 **At Paragraph 5.23 it states:** *"If an applicant can demonstrate appropriate measures to overcome concerns, that will be taken into account by the Council."*

Conditions

At Paragraph 5.24 it states: "Any conditions attached to licences will be proportionate and will be:

- (i) Relevant to the need to make the proposed building suitable as a gambling facility
- (ii) Directly related to the premises and the type of licence applied for
- (iii) Fairly and reasonably related to the scale and type of premises and
- (iv) Reasonable in all other respects"

At Paragraph 5.28 it states: "Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below."

At Paragraph 5.29 it states: "This policy acknowledges that there are conditions that the licensing authority cannot attach to premises licences:

- (i) Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- (ii) Conditions relating to gaming machine categories, numbers, or method of operation.
- (iii) Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- (iv) Conditions in relation to stakes, fees, winning or prizes."

Bingo Premises

- 5.8 **At Paragraph 5.35 it states:** *Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.*
- 5.9 **At Paragraph 5.36 it states:** *The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Where bingo is permitted in alcohol licensed and non-gambling premises, this must not become a predominant commercial activity; otherwise a bingo operating licence will be required.*
- 5.10 **At Paragraph 5.37 it states:** *Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.*
- 5.11 **At Paragraph 5.38 it states:** *In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the Council will therefore take into account, among other things,*

the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

5.12 **At Paragraph 5.39 it states:** *The Licensing Authority recognises that there is no ban on children or young people having access to Bingo premises, that it is illegal for Under 18s to play or use Category B and C machines and that they cannot be employed in providing facilities for gambling or bingo premises. In any event, children under 16 cannot be employed in any capacity at a time when facilities for playing bingo are being offered. 16 and 17 year olds may be employed while bingo is taking place provided the activities on which they are employed are not connected with the gaming or gaming machines. Where children aged 16 and 17 are employed in bingo premises, the Licensing Authority would expect to see sufficient controls restricting access to Category B and C machines.*

5.13 **At Paragraph 5.40 it states:** *A limited number of gaming machines may also be made available at Bingo licensed premises. **A list of categories of gaming machines is on page 43 category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:***

- (i) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.*
- (ii) Only adults are admitted to the area where these machines are located.*
- (iii) Access to the area where the machines are located is supervised.*
- (iv) The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and*
- (v) At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.*

5.14 **At Paragraph 5.41 it states:** *The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:*

- *Proof of age schemes.*
- *CCTV – this should be of sufficient quality that it will use evidence.*
- *the provision of entrances/machine areas*
- *physical separation areas*
- *location of entry*
- *notices/signage*
- *specific opening hours*
- *self-exclusion schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises*
- *provision of information leaflets/helpline numbers for organisations such as GamCare*

This list is not mandatory, nor exhaustive, and is merely indicative of example measures that the Council can consider implementing.

5.15 **At Paragraph 5.43 it states:** *With regard to segregation of Category B and C machines from Category D machines, there is a requirement that there must be clear segregation between these types of machine so that children do not have access to Category B or C*

machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

Gaming Machines

- 5.16 **At Paragraph 6.5 it states:** *“A gaming machine can cover all types of gambling activity, which can take place on a machine, including betting on virtual events. A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of chance imparted by the action of the machine would cause it to be a gaming machine.”*
- 5.17 **At Paragraph 6.7 it states:** *“There are four classes of gaming machines: Categories A, B, C and D, with category B further divided into sub-categories B1, B2, B3, B3A and B4. Appendix 5 sets out the current maximum stakes and prizes that apply to each category.*
- 5.18 **At Paragraph 6.8 it states:** *“The Gambling Act also prescribes the maximum number and category of gaming machines that are permitted in each type of gambling premises.”*

The table, below, shows the maximum number and category of gaming machines that are permitted at a bingo premises:

BINGO PREMISES	MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4. NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES
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LEGAL CONSIDERATIONS

THE GAMBLING ACT 2005

- 6.1 When considering an application for a grant of a new Bingo Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. Section 1 of the Gambling Act 2005 creates three licensing objectives:
1. Preventing gambling from being a source of crime and 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

Statutory aim to permit gambling

- 6.2 **The guidance issued by the Commission states at Paragraph 1.19:**

“The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, insofar as it is considered to be reasonably consistent with the licensing objectives.

The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether."

- 6.3 An application for a new premises licence may be made pursuant to s.159 of the Act.
- 6.4 All applications will be decided on a case-by-case basis.
- 6.5 Where relevant representations are made and not withdrawn, the Licensing Authority must hold a hearing to determine the application, unless all are agreed that such a hearing is unnecessary s.162 (2).
- 6.6 Section 153(1) of the Act provides that licensing authorities should aim to permit the use of premises for gambling in so far as they think it:
 - (i) in accordance with any relevant code of practice under section 24;
 - (ii) in accordance with any relevant guidance issued by the Gambling Commission under section 25;
 - (iii) reasonably consistent with the licensing objectives; and
 - (iv) in accordance with the authority's statement of licensing policy.
- 6.7 Section 153(2) of the Act goes on to state that in "determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- 6.8 Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licensing authority, frivolous or vexatious s.162(3) Gambling Act 2005.
- 6.9 The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties will include persons who:
 - (i) Live sufficiently close to premises carrying out gambling activities;
 - (ii) Have business interests that might be affected; and
 - (iii) Represent persons listed above.
- 6.10 The Act, via regulations also imposes mandatory and default conditions that promote the licensing objectives. There are no default conditions in relation to ACG's.
- 6.11 In respect of the imposition of Conditions by the Licensing Authority, Section 169 (4) states that 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".
- 6.12 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to being reasonably consistent with the Licensing Objectives; the Human Rights Act 1998; any relevant code of practice under Section 24 of the Gambling Act 2005; any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005; and this Statement of Policy. The decision

and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.

- 6.13 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (i) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (iii) Foster good relations between persons who share relevant protected characteristics and persons who do not.
- 6.14 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics examples are: race, sex, age, disability, gender reassignment and religious beliefs.
- 6.15 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review
- 6.16 Interested parties, Responsible Authorities and the Applicant have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.

BACKGROUND DOCUMENTS:

The Gambling Act 2005

Licence Conditions and Codes of Practice by the Gambling Commission

Guidance for Local Authorities issued by the Gambling Commission

The London Borough of Hillingdon's Statement of Gambling Policy