

Committee(s): Licensing Sub-Committee	Hearing Date(s): 18 January 2019	Item no. 1
Subject: Gambling Act 2005 - Application for a Bingo Premises License		
Name of premises: Dabbers Social Bingo Address of premises: 18-22 Houndsditch, EC3A 7DB		
Report of: Director of Markets and Consumer Protection		Public / Non-Public
Ward (if appropriate): Aldgate		

1 Introduction

- 1.1 To consider and determine, by public hearing, the application for a new bingo premises license under the Gambling Act 2005, taking into account the representations of the Responsible Authority detailed in paragraph 4, and the policy considerations detailed in paragraph 6 of this report.
- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the three licensing objectives, namely:
 - the prevention of gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 Section 153 (2) Gambling Act 2005 provides that the Licensing Authority should aim to permit the use of premises for gambling in accordance with the Commission's Code of Practice and Guidance to Local Authorities. The Authority may not have regard to the expected demand for the facilities which the applicant is proposing to provide.

2 Summary of Application

- 2.1 An application made by:
Bingo Forever Ltd
Finsgate
■ Cranwood Street
London EC1V 9EE

Operating Licence No: 000 – 049081 – N - 326872

was received by the City of London Licensing Authority on 23 November 2018 for a new bingo premises licence in respect of the premises at:

Dabbers
18-22 Houndsditch
London
EC3A 7DB

- 2.2 Full details of the application are contained in the copy of the Application Form at Appendix 1.
- 2.3 The application is to provide the following activities:

<u>Activity</u>	<u>Proposed</u>
Bingo	Mon–Sun 09:00 – 03:00

- 2.4 The premises also holds a Premises Licence for the sale of alcohol and the provision of regulated entertainment & late night refreshment granted under the Licensing Act 2003. A copy of this licence can be found in Appendix 2. In this current application it is proposed that bingo may commence two hours before the commencement of other licensable activity.
- 2.5 The applicant has submitted a local risk assessment and has provided additional operating information in response to questions asked by the Licensing Authority. This information can be found in Appendix 3.

- 2.6 Mandatory and default licence conditions are applicable under s167 Gambling Act 2005. Also, in the Schedules to Gambling Act 2005 (Mandatory Licensing Conditions) (England and Wales) Regulations 2007.
- 2.7 Section 169 Gambling Act 2005 provides that the Licensing Authority may attach further conditions to the licence, but they should relate only to gambling and be considered appropriate in the light of principles to be applied under s153 (see 1.3).
- 2.8 Section 169 also allows the Licensing Authority to exclude default conditions. In Part 4 of the Application the applicant has asked for the default condition restricting bingo between 00.00 – 09.00 to be omitted.

3 Licensing History of Premises

- 3.1 The premises is a ground floor and basement bar which has held a premises licence for the sale of alcohol since 2005. The licence has been held by many different operators during this period and was transferred to Bingo Forever Ltd on 20 December 2018.
- 3.2 The premises are already trading and are offering games of bingo as part of their regulated entertainment as equal chance exempt gaming.

Complaints

- 3.3 The Gambling Commission has received an anonymous complaint that children are being allowed to play bingo in contravention of the exemptions above (3.2). This is included along with the received representation.

4 Representations from Responsible Authorities

- 4.1 Representations have been received from the Gambling Commission. These relate to the suitability of the site for gambling and whether it can be considered a dedicated bingo premises. There is also concern as to whether sufficient consideration has been given to prevent underage gambling and if higher stake gaming machines are to be provided (albeit the applicant has stated they will not).
- 4.2 The representations can be seen in full as Appendix 4.

5 Representations From Other Persons

- 5.1 No representations have been received from any other parties.

6 Policy Considerations

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Gambling Principles and The Commissions Guidance to Licensing Authorities issued September 2016.

City of London Corporation's Statement of Gambling Principles

- 6.2 The following sections/paragraphs of the City of London Corporation's Statement of Gambling Principles are particularly applicable to this application:

Paragraph 7.2 – to be proportionate, accountable, transparent and consistent in decision making.

Paragraph 9.3 – moral objections to gambling are not a valid reason to reject applications for premises licences.

Paragraph 9.14 – the location of the premises and how this fits in with the Local Area Profile.

Paragraph 13.1 – 13.2 – use of premises for Bingo and the application of the Gambling Objectives.

Statutory Guidance

- 6.3 The following sections/paragraphs of the Commissions Guidance are particularly applicable to this application:

Paragraph 5.10 The Licensing Authority does not need to consider the suitability of the applicant as an operating licence has already been issued. However, any additional information received during the course of considering an application is relevant.

Paragraph 5.13 – 5.14 Consideration must be given as to whether the layout of the premises and the staffing of the premises is sufficient to protect vulnerable and young people from being exposed to gambling harm.

Paragraph 5.20 states that *“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 policy, and the licensing objectives”*.

Paragraph 7.25 states that *“Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows”*: • bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18 •

Paragraph 18.4 – 18.5 The Licensing Authority should give attention to the types of Bingo that are being offered and the type of Premises that is being made available to provide this.

7 Map and Plans

- 7.1 The Local Area Profile map is attached as Appendix 5. This provides a demographic profile of premises in the City that have been identified as at risk in relation to gambling facilities. It can be noted that there are two betting shops nearby, but no specific premises considered to be at risk in the immediate vicinity.
- 7.2 Plans of the premises are attached as Appendix 6.

8 Summary

- 8.1 The Licensing Authority has a duty under the Gambling Act 2005 to promote the Gambling Objectives. Each objective has equal importance. In carrying out its gambling function, the Licensing Authority must also have regard to its Statement of Gambling Principles and any Statutory Guidance under the Gambling Act 2005. The Authority is bound by the Human Rights Act 1998.

The Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City.

9 Options

9.1 The Sub-committee must, having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- i) grant the licence with the addition of appropriate conditions or exclusion of any default conditions for the promotion of the gambling objectives and also include the mandatory conditions contained in s167 of the Gambling Act 2005;
- ii) reject the application.

9.2 Where a licensing authority takes one or more of the steps stated in paragraph 9.1 above the applicant, or the holder of the licence and/or a person who made relevant representations in relation to the application, may appeal the decision to the Magistrates' Court. Any appeal must be commenced within 21 days following notification of the decision to the appellant by the licensing authority.

10 Recommendation

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a premises licence in accordance with paragraph 9 of this report.

Prepared by Andre Hewitt
 Licensing Officer



Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Gambling Principles (revised Jan 2019)	MCP	5th Floor Walbrook Wharf
Statutory Guidance – Gambling Commission Guidance To Local Authorities (Sept 2016)		Statutory Guidance