



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

18 April 2024

23/04821/LIGV

Merkur Cashino
Basement And Ground Floor
182-184 Edgware Road
London
W2 2DS

Director of Public Protection and Licensing

Marylebone

City of Westminster Statement of Gambling Policy

None

Jessica Donovan
Senior Licensing Officer

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1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Gambling Act 2005		
Application received date:	28 April 2023		
Applicant:	Merkur Slots UK Limited		
Premises:	Merkur Cashino		
Premises address:	Basement And Ground Floor 182-184 Edgware Road London W2 2DS	Ward:	Marylebone
		Vulnerability Zone:	Paddington
Premises description:	The premises trade as a Bingo premises which include the provision of bingo tablets and Bingo Plus and Bingo Express terminals.		
Variation description:	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> To remove Condition 1 under Part 3 of the Bingo Premises Licence which limits the hours of use for Bingo and Gaming Machines. To replace Condition 2 under Part 3 of the Bingo Premises Licence with the following: <p>The hours of the premises are open to the public and are permitted to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act: Monday to Sunday 07:00 to 06:00.</p>		
Premises licence history:	<p>This premises was previously licensed under the Gambling Act 2005 as a betting shop (licence number 12/02180/LIGV) however, the licence was surrendered in August 2019</p> <p>The premises were granted a new licence in December 2020 to operate as a bingo premises (22/09958/LIGCH).</p> <p>A copy of the licence can be found at Appendix 3 along with the full licence history at Appendix 5 of this report.</p>		
Premises in the vicinity:	<p>Edgware Road has a mix of venues including retail, restaurants, pubs and a casino.</p> <p>There are 2 faith groups and 1 hostel within 100m radius of the premises.</p> <p>There are 10 licensed premises, 3 additional live gambling premises which consist of 2 casinos and 1 Adult Gaming Centre. There are also 430 residents within a 100 metre radius of the premises.</p> <p>There is also a Primary School located opposite the premises.</p>		

Applicant submissions:	<p>The applicant has provided a submissions bundle which can be seen at Appendix 2.</p> <p>Following consultation, an additional 20 conditions were proposed which can be seen at Appendix 6.</p>
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1-B	Current and proposed licensable activities, areas and hours
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Permitted hours:						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	07:00	06:00	Ground floor	No change
Tuesday	07:00	01:00	07:00	06:00		
Wednesday	07:00	01:00	07:00	06:00		
Thursday	07:00	01:00	07:00	06:00		
Friday	07:00	02:00	07:00	06:00		
Saturday	07:00	02:00	07:00	06:00		
Sunday	07:00	01:00	07:00	06:00		

Permitted hours:						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	02:00	07:00	06:00	Ground floor	No change
Tuesday	07:00	02:00	07:00	06:00		
Wednesday	07:00	02:00	07:00	06:00		
Thursday	07:00	02:00	07:00	06:00		
Friday	07:00	02:00	07:00	06:00		
Saturday	07:00	02:00	07:00	06:00		
Sunday	07:00	02:00	07:00	06:00		

1-C	Conditions being varied
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Condition	Proposed variation
2. The hours the premises are open to the public: Monday to Sunday 07:00 to 02:00 hours	2. The hours of the premises are open to the public and are permitted to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act: Monday to Sunday 07:00 to 06:00.

1-D	Conditions being removed
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1. Premises to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act Sunday to Thursday 07:00 to 01:00 hours and Friday to Saturday 07:00 to 02:00 hours

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	09 August 2023
<p>I write in relation to the application submitted on behalf of Merkur Slots UK Limited for a variation of a Bingo Premises Licence for the above-mentioned premises under the Gambling Act 2005 (the Act). The premises is located on 182-184 Edgware Road, London, W2 2DS.</p> <p>As a Responsible Authority under the Act, the Licensing Authority have reviewed this application in detail and has considered the application in relation to the principles to be applied under section 153 of the Act, the Mandatory Conditions as specified in Schedule 1 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (Mandatory and Default Conditions Regs) and the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (Premises Licence Regs).</p> <p>The application submitted is to vary the current Bingo Premises Licence outlined as follows</p> <ul style="list-style-type: none"> • To remove Condition 1 under Part 3 of the Bingo Premises Licence which limits the hours of use for Bingo and Gaming Machines. • To remove Condition 2 under Part 3 of the Bingo Premises Licence which limits the operational hours of the premises. • To add the following condition, in place of Condition 2 under Part 3 of the Bingo Premises Licence, which states; *The hours of the premises are open to the public and are permitted to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act: Monday to Sunday 07:00 to 06:00 <p>The premises is located within the Paddington (south) vulnerability zone please see the Local Area Profile Map attached as Appendix A.</p> <p>Section F2 of the Gambling Vulnerability Zones Policy states:</p> <p>A. Applications within a designated Gambling Vulnerability Zone must demonstrate that they have undertaken an assessment of the local area risks that are particular to the zone in question, as identified by the Councils Local Area Profile.</p> <p>B. In meeting Clause A applicants will be expected to have:</p> <ol style="list-style-type: none"> 1. considered the Council's Local Area Profile when assessing the local area risks and detail those considerations within their gambling risk assessment in accordance with Policy C1, 2. considered any other information that may relate to the local area risks to the licensing objectives, which may include information supplied within representations from interested parties and/or responsible authorities following the application has been made, and, 3. put forward suitable control measures, that will specifically address and mitigate the risks identified by the Council within the Gambling Vulnerability Zone. <p>C. Whilst aiming to permit an application the Licensing Authority may, none the less refuse applications that seek to provide gambling facilities within the Gambling Vulnerability Zone unless sufficient reasons and mitigation have been provided and the Licensing Authority is satisfied that the application should be granted in accordance with the Gambling Commissions Codes of Practice and Guidance to Licensing Authorities, that it is reasonably consistent with the Licensing Objectives and that it meets all matters identified within this policy and any other policies within this statement.</p>	

Following on from Policy F2 the Bingo Premises Policy G (B) goes on to state:

Applications within a Gambling Vulnerability Zone for a provisional statement, new bingo premises licence or to vary an existing licence will be considered on their own merits and subject to the following:

1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.
2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.
3. The hours for gambling activities being within the hours as define within the Hours Policy E1
4. The applicant having demonstrated that they have sufficiently assessed the associated gambling risk and put forward sufficient mitigation to satisfy the Gambling Vulnerability Zones Policy F2 and the Risk Assessment Policy C1.
5. The applicant meeting the requirements of the other relevant policies within this section.

The premises extension in hours allows it to also fall within Policy section E1 (C and D) states:

C. Whist aiming to permit the Licensing Authority may, none the less refuse applications within a designated Gambling Vulnerability Zone that seek to provide gambling facilities for hours beyond the hours set out in Clause D below or any later hour which has already been permitted by this Authority, and that:

1. Does not address the matters set out in Clause B above, and,
2. Does not provide sufficient reasons and risk mitigation in accordance with the Gambling Vulnerability Policy F2 for those hours, and,
3. Does not meet the Gambling Commissions Codes of Practice or its Guidance to Licensing Authorities or is not reasonably consistent with one or more of the Licensing Objectives or any other policy within this statement.

D. For the purposes of Clauses, A to C above, the hours when gambling facilities can be provided for each premises licence use or gaming machine permit type, as defined within this statement are:

Premises Licence Use

2. Bingo

Monday to Sunday 09:00 to 00:00

The Licensing Authority has concerns in regards to the extension of hours to 06:00 due to the location of the premises within the Vulnerability Zone. Could the applicant confirm what additional measures they propose to address vulnerability during these extended hours.

After a visit to the premises, the Licensing Authority felt that the operation of the premises didn't have the appearance of a Bingo Premises due to the number of Gaming Machines seen at the premises. It was noted that there is a mix of Bingo Machines/Tablets and Gaming Machines however the Bingo machines didn't seem readily available for cliental to use. The Licensing Authority would like the applicant to submit further submissions and figures on the total number of B3 and B4 Gaming Machines in comparison to the Bingo terminals.

Could the applicant also provide figures relating to the income generated from Bingo compared to that of the Gaming Machines this will provide evidence needed to establish whether the premises generally operates as a Bingo premises defined under the Act.

Paragraph G2.4 of the statement of Licensing Principles for Gambling Policy states:

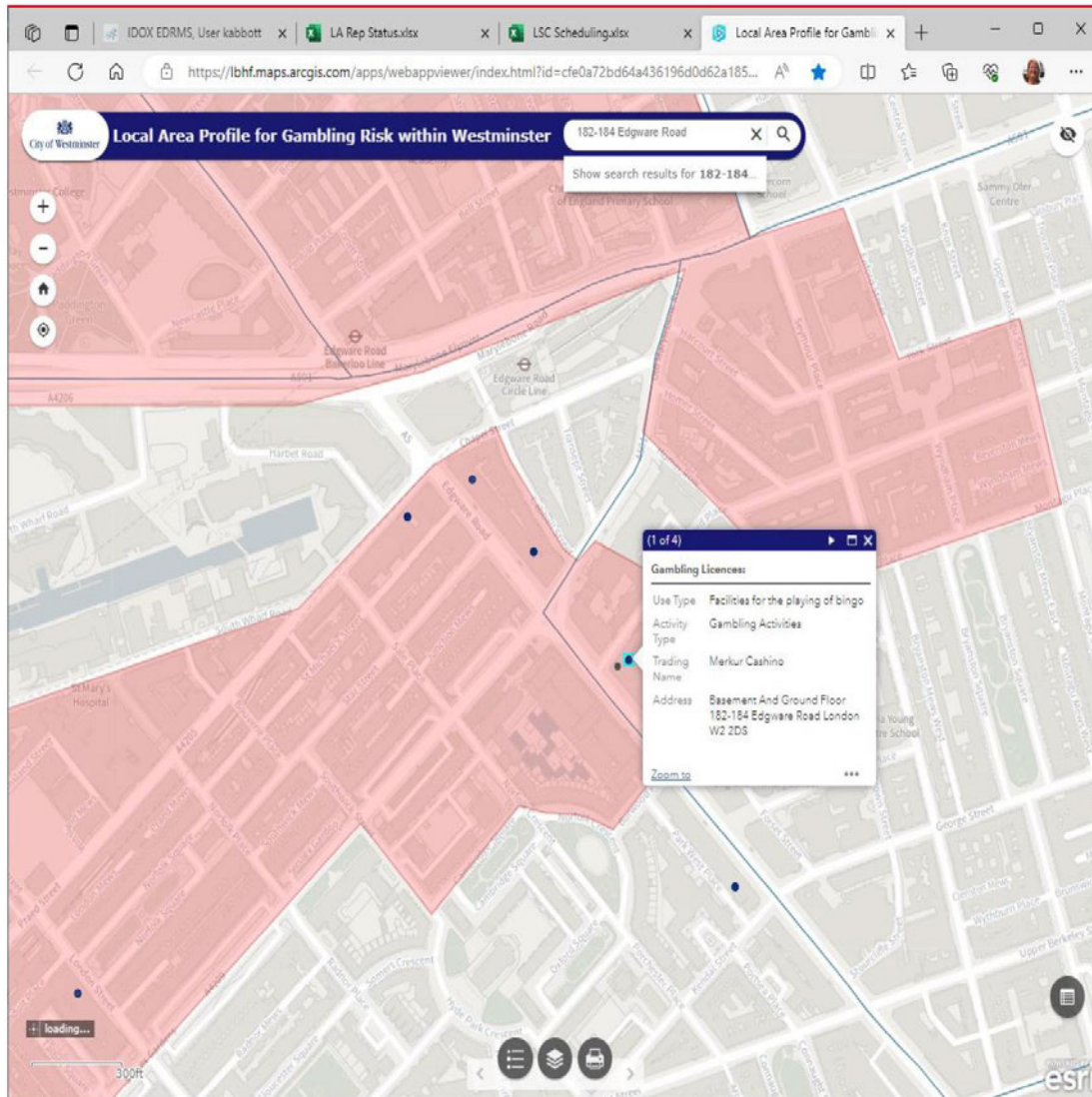
G2.4 A bingo premises licence also permits the holder to make an unlimited number of gaming machines available for use. Of the total number, up to 20% of the gaming machines can be category B3 or B4 gaming machines and the remainder are limited to category C or D gaming machines. If the premises held a bingo premises licence prior to 13 July 2011, the holder can

provide either up to eight B3 or B4 gaming machines or up to 20% of the total number of gaming machines, whichever number is greater.

The Licensing Authority looks forward to receiving further submissions to be able to assess any further relevant policy considerations.

The Licensing Authority submit this as a formal representation to this application.

Appendix A



Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	10 August 2023

I am writing on behalf of the Commissioner of the Metropolitan Police Service (“The Police”) to make representations opposing the grant of a variation to a Bingo premises licence application for **23/04821/LIGV - Merkur Cashino 182-184 Edgware Road.**

The application seeks the following:

“- To remove Condition 1 under Part 3 of the Bingo Premises Licence which limits the hours of use for Bingo and Gaming Machines.

- To remove Condition 2 under Part 3 of the Bingo Premises Licence which limits the operational hours of the premises.

*- To add the following condition, in place of Condition 2 under Part 3 of the Bingo Premises Licence, which states; *The hours of the premises are open to the public and are permitted to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act: Monday to Sunday 07:00 to 06:00”*

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representations:

The proposed extension of operational hours at the premises is likely to undermine the following licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Protecting Children and Other Vulnerable Persons from Being Harmed or Exploited by Gambling
1. The premises is located within the Paddington (South) Gambling Vulnerability Zone. Paragraph F2.24 of Westminster’s Statement of Licensing Principles for Gambling 2005 states:

“This area, while smaller than others denoted in this section, is particularly vulnerable to gambling-related harm because it contains an elevated number of areas that rank high on the

index. This area's vulnerability is linked to the very high numbers of residents receiving mental health care packages, a substantial presence of young people aged 10 to 24 and of people deemed to be financially "at risk", "struggling" or "in crisis", the presence of many temporary accommodations, and supported housing premises for people experiencing homelessness, including a women's only site. In this area, IMD scores range between 31 and 52, i.e., the two most deprived brackets"

2. The Police have concerns that the extension of operating hours will lead to an increase in Crime and anti-social behaviour ("ASB") associated with the premises. This area of Edgware Road already has higher than average levels of crime and ASB, including begging and rough sleeping. It is likely that if this premises were to be open until 6am, it would make an desirable location for local venerable adults to attend.
3. The applicant's Local Area Risk Assessment ("LARA") states that since its opening in January 2022, the venue has recorded 77 incidents with 6 requiring police attention: 45 relating to aggressive behaviour; 16 relating to barred persons; 13 relating to incidents outside the premise, 2 in relating to alcohol and 1 in relating to alcohol.
4. The LARA also states that Merkur Slots UK appointed Leveche Associates Ltd to conduct independent covert visits on numerous AGC/Bingo venues that operate throughout the UK 24-hrs, 7 days a week including six venues in and around the London area. Key comments from the reports include: 'Visits to these premises established that they are well run and that there are clearly defined systems in place to ensure the premises operate in support of the gambling objectives and do not attract or take advantage of juveniles or other vulnerable persons. **The visits also established that MERKUR Slots customer do not cause crime or anti-social behaviour.**' This comment is not compatible with the above incident figures reported by the applicant. It is quite clear that the customers of this premises do in fact cause crime and ASB.
5. An extension in operating hours can only lead to an increase in crime and ASB, particularly given that anyone looking to gamble between 02:00 and 06:00 in this area is more likely to be vulnerable than not.
6. The Police request that this variation application is refused.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	09 August 2023
<p>I object to this application on the grounds that it is going to increase crime and anti-social behaviour right on the edge of a residential area. Gambling can and does attract strongly addictive personalities, we already have a substantial problem with drug dealing and open street-use of drugs. I fear that the easy and cheap methods of gambling by slot machines will further attract more desperate people and with this will come an increase of mindless petty theft. My bicycle has been vandalised countless times and I have witnessed sad drug users trying to steal anything from my bikes that will produce cash.</p> <p>There are schools very close to this part of the Edgware Rd. Unaccompanied school-going teenagers will pass by it on their way home from the Sylvia Young School on Seymour Place. Slot machines will be a big temptation for some of these teenagers.</p> <p>MacDonalds - next door to the Merkur Slots- are looking for a 24 hr licence, if this is granted then it and the gambling shop will attract even more criminals. The Met police have already warned that late night trading in our area will undoubtedly cause more crime and anti-social behaviour.</p> <p>The residential streets near to this part of the Edgware Rd have suffered enough in recent years with anti-social behaviour from the casino on Harrowby St, another gambling premises is going to worsen the situation.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	10 August 2023
<p>[REDACTED] and wish to object to this application.</p> <p>From being a late night destination, the street seems slowly to becoming a 24hour entertainment centre. There is already a gaming centre nearby with extended hours and McDonalds, in the same block, have applied to open all hours.</p> <p>A 24 hour area is fine in principle but less so when it is surrounded by residential housing. We are directly affected given the number of people who park [REDACTED] or in the neighbourhood's parking bays.</p> <p>We know that the area is busy and accept all that goes with the current shops and restaurants but we do not wish to encourage further late night visits to the area at times when most residents will be asleep.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	10 August 2023
<p>I object to any extension of the opening hours due to the adverse effect on a residential area that is already under stress. We already have an apparently 24 hour Casino in Harrowby Street and the nightlife in the Edgware Road and surrounds cause problems for people who live</p>	

nearby. We have a lot of noise in our street from people who are coming out of the Casinos at all hours of the night and appear to either be exuberant or cross! Either way there is a lot of door slamming, rubbish dropping and noise. We have young adults in our family and we now worry about their movement at night. Edgware Road has got significantly more intimidating. Whilst we accept that we live in central London the concentration of 24 hour leisure in our area makes living here difficult for people who are committed to the area and improvement.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	09 August 2023

This representation is made by [REDACTED] which is the amenity society recognised by Westminster for the area within which the premises are located. We object to the extension of hours as we believe that may compromise the licencing objective to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Merkur Slots appears to be a very well run establishment so it is unfortunate in its location. Edgware Road used to be a Cumulative Impact Zone and is now merely a Special Consideration Zone due to the higher than average incidence of crime and disorder. There is always pressure on the street to try and extend trading hours for hospitality businesses and this application fits this pattern. In the impact assessment supplied by the applicant there is the comment "The presence of MERKUR Slots does not lead to or result in people, who have been on a night out, staying in the area any longer than they had planned to.". Unfortunately, their immediate neighbour a McDonalds is appealing the rejection of its application for 24-hour a day trading. If the appeal were to succeed then there would inevitably be an additional influx of people quite probably effected by alcohol who might find the slot machines next door a valid attraction. Merkur Slots on its own may not be the magnet but the combination of businesses may very well be so. This could lead to people made vulnerable by alcohol entering the premises and gambling irresponsibly and this might also lead on to anti-social behaviour or other crime in the immediate vicinity. We respectfully suggest that the current closing hours are perfectly adequate.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	10 August 2023

I object to this planning application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	10 August 2023

This area is highly stressed already, and to have the two gambling facilities within a few yards of each other, together with a MacDonal'd's outlet only makes the situation worse; the prospect of increasing the Merkur outlet to all night opening will even more damaging. The littering, late night traffic, drug taking/dealing (already prolific in [REDACTED] behind Merkur premises) will only increase.

The knock-on effects are mainly felt in the residential streets located being the premises. It is already intolerable to local residents, and the local Residents Association - all of whom strongly object to yet more stress being put on them.

Name: [REDACTED]

Address and/or Residents Association: [REDACTED]
[REDACTED]
[REDACTED]

Received: 10 August 2023

When will the authorities give their heads a wobble and ask themselves who plays bingo all night! This is clearly an activity whose commercial merit is not discernible. The potential likelihood of the type of customers using this venue is for less than salubrious activities No wonder there is no trust in policing and planning when local residents are asked [REDACTED] to businesses that do not serve the local community.

Name: [REDACTED]

Address and/or Residents Association: [REDACTED]
[REDACTED]
[REDACTED]

Received: 10 August 2023

I object to this application on the grounds that it sets a precedent in an area which already has a problem with ASB. The McDonald's next door is particularly bad in this area but also this strip has increasingly become a gambling destination with the Casino, slots etc and although individually they may be okay the accumulation is concerning. This area is very close to a large residential area of Marylebone with two local schools nearby as well as many residents who would like to sleep at night rather than be disturbed by incoming visitors late at night who have no interest in our area and therefore treat it badly. WCC and the Police are already aware of the drug dealing which goes on away from the Edgware Road in our quieter streets and frankly enough is enough. Please turn down this application.

Name: [REDACTED]

Address and/or Residents Association: [REDACTED]
[REDACTED]
[REDACTED]

Received: 10 August 2023

One of the things that has impressed me since moving into this neighbourhood is the unusually high level of community amongst residents. For a central London location this sense of community is pronounced. This strong community spirit finds ways of tackling informally the challenges that arise from being near major roads and the seemingly inevitable more sordid and illegal side of City life. It is a delicate balance though given the location near to Edgware Road. Given that delicate balance allowing more 24-7 gambling and fast food restaurants is to be avoided. We already have a casino within stone throwing distance from a school. We are about to see the community sports centre close for a long term refurbishment that will add an emptiness and a large unused building to the area. That makes the area vulnerable. Supporting yet more gambling and fast food restaurants ESPECIALLY on a 24 hour basis can only have a detrimental impact on the community that lives nearby. Please note that I am not against any fast food restaurants or gambling but pointing out these are already catered for and bring problems that the neighbourhood absorbs but finds challenging. Granting more licences can only have one impact on the community. If this gets approval it would be a clear revelation of council priorities and a marker for the areas future.

Name:	██████████
Address and/or Residents Association:	████████████████████████████████████████ ████████████████████████████████████████ ██████████ ██████████
Received:	10 August 2023

We write as members of the Committee representing ██████████ ██████████ to formally object to application reference 23/04821/LIGV on the following bases, which are framed around the three Licensing Objectives of the Gambling Act 2005:

Prevent gambling from being a source of crime or disorder, being associated with a crime or disorder or being used to support crime.

It is around this, and the following objective, that we base our strongest objection as representatives of the residents in the surrounding streets to the premises. The Local Area Risk Assessment itself references the high number of people in the local area receiving mental support packages, the substantial presence of young people, and people deemed to be financially “at risk”.

The control measures set out by the applicant to mitigate these risks do not reference or address our fundamental concern; that a successful application will bring to the area an additional 24-hour (or thereabouts) establishment, whose very existence is likely to exacerbate crime and disorder in the area. Residents already face constant and ongoing issues in the surrounding neighborhood in terms of drug dealing and open use of drugs on residential streets, theft and the disorder associated with a late- night economy including urination, prostitution and general nuisance. The ability of the police to address such issues is already limited due to resource constraints and this application, alongside that of McDonalds in the adjacent premises, is without question going to exacerbate an already strained ability to ensure public order. Should the two applications be granted then this will promote the image of a “24-hour strip” to this aspect (block) of the Edgware Road, an area in huge need of regeneration, with the related offerings being synonymous with crime and disorder in terms of late-night gambling and fast food.

The LARA itself notes that “Since opening in January 2022 the venue has recorded 77 incidents with 6 requiring police attention: 45 relating to aggressive behavior; 16 relating to barred persons; 13 relating to incidents outside the premise, 2 in relating to alcohol and 1 in relating to alcohol.” These are already relatively high figures for 18 months of trading; it is not possible to see how these issues cannot be exacerbated by the extension of the Applicant’s license to near 24-hour, when the extension encompasses late at night / early hours accessibility.

We further note that The Little Vic (Grosvenor Casino) is only 80 yards away. Its presence in itself attracts a significant amount of crime and disorder to the surrounding residential area and given the fact that it already provides a 24-hour gambling facility, our residents cannot see the basis or need for a further 24hr establishment.

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

The LARA itself notes factors contributing to the local area vulnerability index include the presence of “educational institutions and three youth clubs, as well as several pharmacies dispensing opiate substitutes or offering needle exchanges, and a job centre”, as well as the existing presence of The Little Vic (Grosvenor Casino) and nearby bookmakers in the local vicinity. Whilst the applicant’s response seems to focus on measures to prevent the admission

of those under the age of 18 and player protection, our objection in relation to this objective is centred around the fact that the addition of a further, near 24 hour establishment to the area, can only have the result of encouraging the vulnerable to partake in gambling, and provide a tacit acceptance to youth in the local area that such activity is a social norm.

To make sure gambling is conducted in a fair and open way.

Our main objection in relation to this objective is that the application is centred around extensions to what is represented as a Bingo Licence. Whilst the ability to partake in Bingo is apparent when entering the premises, this is clearly not the central focus or offering to the wider public; that is the use of slot machines. Whilst Bingo is commonly associated with older generations and a forum for social activities as opposed to gambling, the promotion of the ability for the general public to gamble on slot machines on a near 24-hour basis is clearly targeting the younger community in our area. As above, those drifting toward a late-night feast at McDonald's next door (should its licence extension appeal be successful) can only increase pressure on this establishment, which may or may not have sufficient security arrangements to deter those who are the worse-for-wear (drink and drugs) or those with violent intent and, ultimately, protect staff and other members of the public.

Whilst we have very much appreciated the engagement of Merkur Slots UK Ltd with [REDACTED] in terms of their efforts to reassure us of the measures they will take to mitigate impacts from the license extension in terms of increased crime and disorder, our objection is focused around our residents' concern that the continued desire of local business to convert an already troubled residential neighbourhood into a 24 hour "night-time economy" is only going to exacerbate crime levels and anti-social behaviour. This will have a further detrimental impact on residents and the local community, especially, as existing public safety resources are already challenged in addressing and preventing the negative consequences that exist under these establishments' current licensing permissions.

We further note that the application is contrary to the 'location' and 'vulnerability' sections of the Council's Statement of Licensing Principles for Gambling.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	04 August 2023

On behalf of [REDACTED] we strongly object to the above variation:

To remove Condition 1 under Part 3 of the Bingo Premises Licence which limits the hours of use for Bingo and Gaming Machines.

To remove Condition 2 under Part 3 of the Bingo Premises Licence which limits the operational hours of the premises.

To add the following condition, in place of Condition 2 under Part 3 of the Bingo Premises Licence, which states;

"The hours of the premises are open to the public and are permitted to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act: Monday to Sunday 07:00 to 06:00"

as it will not promote the Licensing Objectives, namely: Prevention of Public Nuisance, Crime and Disorder, Children from Harm and Public Safety.

These premises are in a Gambling Vulnerability Zone the reasons for which are clearly as listed in the Risk Assessment provided with the application for the variation .

There is clearly a risk posed to the vulnerable population in the area of the premises due to the extended hours- E1 of the Gambling Policy and E1.1 regarding the impact of Bingo on children and the vulnerable and we would add as an aside in the present economic circumstances of the cost of living crisis.

We know that the committee in considering this application will have read all the papers submitted but wish to draw to particular attention Pages 2 & 3 of the Local Area Risk Factors included with the application rather than re list them all here which clearly substantiate why it is in a Gambling Vulnerability Zone.

By granting this variation it would mean that in addition to bingo other Gaming Machines would also be permitted to be used as under the Act.

In terms of hours, the default conditions for Bingo premises restrict gambling at the premises to between 9am and midnight and we do not consider that the default conditions can be removed and/or varied in this application as they will not promote the licensing objectives.

We thank the committee for their consideration and request that this application is refused.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	08 August 2023

[REDACTED] is a WCC recognised Amenity Group. What happens on both sides of Edgware Road affects residents in Hyde Park Ward. We speak on our residents behalf in order to protect that fine balance between fairness to business and bearing in mind residents and the community in the surrounding area.

We; together with [REDACTED] strongly object to the above variation: To remove Condition 1 under Part 3 of the Bingo Premises Licence which limits the hours of use for Bingo and Gaming Machines.

1. To remove Condition 2 under Part 3 of the Bingo Premises Licence which limits the operational hours of the premises.
2. To add the following condition, in place of Condition 2 under Part 3 of the Bingo Premises Licence, which states;

*The hours of the premises are open to the public and are permitted to be used for the provision of facilities for the playing of Bingo and other gaming machine use, as permitted under the Act: Monday to Sunday 07:00 to 06:00

Because in our opinion it will not promote the Licensing Objectives, namely: Prevention of Public Nuisance, Crime and Disorder, Children from Harm and Public Safety.

These premises are in a Gambling Vulnerability Zone the reasons for which are clearly listed in the Risk Assessment provided with the application for the variation .There is clearly a risk posed to the vulnerable population in the area of the premises due to the extended hours- E1 of the Gambling Policy and E1.1 regarding the impact of Bingo on children and the vulnerable and we would add as an aside in the present economic circumstances of the cost of living crisis.

We know that the committee in considering this application will have read all the papers submitted but wish to draw to particular attention Pages 2 & 3 of the Local Area Risk Factors

included with the application rather than re list them all here which clearly substantiate why it is in a Gambling Vulnerability Zone.

By granting this variation it would mean that in addition to bingo other Gaming Machines would also be permitted to be used as under the Act.

In terms of hours, the default conditions for Bingo premises restrict gambling at the premises to between 9am and midnight and we do not consider that the default conditions can be removed and/or varied in this application as they will not promote the licensing objectives.

On behalf of [REDACTED]. Our community we request that this application is refused.

3. The Gambling Act 2005

3.1 The Licensing Authority must under Section 153(1) of the Act exercise its functions relating to premises licensing with an aim to permit the use of the premises for gambling in so far as it thinks fit and in accordance with the relevant codes of practice, guidance, reasonably consistent with the licensing objectives and in accordance with the Council's Statement of Principles.

In this Act a reference to the licensing objectives is a reference to the objectives of—

(a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,

(b) ensuring that gambling is conducted in a fair and open way, and

(c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.2 The Licensing Authority can take into account a representations relating to an application for a premises licence from either an interested party (a person living sufficiently close to the premises to be likely to be affected by the authorised activity or has a business interest that may be affected or represents persons in either of these two groups) or a responsible authority (Licensing Authority, Gambling Commission, Police, Fire Authority, Environmental Health and HM Revenue and Custom). Any representations must be relevant and not frivolous or vexatious.

3.3 Section 152 of the Act provides that a premises licence may not be issued in respect of premises if a premises licence already has effect in relation to the premises, except for a track premises licences. The Explanatory Notes for section 152 state "The general position for premises licensing is that premises may only be subject to one premises licence at a time... The effect of this requirement is to limit the principal activity on the premises to the provision of facilities for a particular type of gambling activity."

3.4 The Act, via regulations also imposes mandatory and default conditions that promote the licensing objectives. A list of these Mandatory and Default conditions are attached at Appendix 4 to this report.

3.5 A premises licence issued by the Authority will be subject to the mandatory and default conditions for that licence type. However, paragraph 9.27 of the guidance states;

Section 169 of the Act gives licensing authorities:

"The ability to exclude from premises licences any default conditions that have been imposed under Section 168;" and "The power to impose conditions on the premises licences that they issue."

4. Policy & Guidance

The following policies within the City of Westminster Statement of Gambling Policy apply:	
Policy F1 applies	<p>A. Applications, other than those within a designated Gambling Vulnerability Zone, must demonstrate that they have considered the local risks to the licensing objectives with the operation of that premises in that location.</p> <p>B. In meeting Clause A applicants will be expected to have:</p> <ol style="list-style-type: none"> 1. Considered the Council's Local Area Profile when assessing the local area risks. 2. Considered any other information that may relate to the local area risks to the licensing objectives, which may include information supplied within representations from interested parties and/or responsible authorities following the application being made. 3. Set out the relevant local risks within their gambling risk assessment and put forward suitable and sufficient measures to mitigate or eliminate those risks, in accordance with Policy C1 of this statement. <p>C. If the application relates to premises that are in, or within proximity to an identified gambling vulnerability hot spot and/ or a designated Gambling Vulnerability Zone the applicant must demonstrate that:</p> <ol style="list-style-type: none"> 1. They have specifically assessed the relevant risks associated with that Gambling Vulnerability Hot Spot and/ or designated Gambling Vulnerability Zone within their gambling risk assessment, and, 2. Put forward sufficient control measures to mitigate or eliminate those risks being associated with the operation of the gambling premises. <p>D. For the purposes of Clause C:</p> <ol style="list-style-type: none"> 1. A 'Gambling Vulnerability Hot Spot' is an area of the City that has been identified as being in the top half of the combined gambling vulnerability index within the Council's Local Area Profile and has not been included within a designated Gambling Vulnerability Zone as set out in the Gambling Vulnerability Zone Policy F2, and 2. 'Close proximity' means that the premises, to which the application relates is within 65 meters of a Gambling Vulnerability Hot Spot and/or a designated Gambling Vulnerability Zone.
Policy F2 applies:	<p>A. Applications within a designated Gambling Vulnerability Zone must demonstrate that they have undertaken an assessment of the local area risks that are particular to the zone in question, as identified by the Councils Local Area Profile.</p> <p>B. In meeting Clause A applicants will be expected to have:</p> <ol style="list-style-type: none"> 1. considered the Council's Local Area Profile when assessing the local area risks and detail those considerations within their gambling risk assessment in accordance with Policy C1, 2. considered any other information that may relate to the local area risks to the licensing objectives, which may include information supplied within representations from interested parties and/or responsible authorities following the application has been made, and, 3. put forward suitable control measures, that will specifically address and mitigate the risks identified by the Council within the Gambling Vulnerability Zone. <p>C. Whist aiming to permit an application the Licensing Authority</p>

	<p>may, none the less refuse applications that seek to provide gambling facilities within the Gambling Vulnerability Zone unless sufficient reasons and mitigation have been provided and the Licensing Authority is satisfied that the application should be granted in accordance with the Gambling Commissions Codes of Practice and Guidance to Licensing Authorities, that it is reasonably consistent with the Licensing Objectives and that it meets all matters identified within this policy and any other policies within this statement.</p> <p>D. For the purposes of Clause A, the designated Gambling Vulnerability Zones for gambling are:</p> <ol style="list-style-type: none"> 1. West End (East) 2. Northwest Westminster 3. Covent Garden and the Strand (East) 4. Pimlico and Belgravia 5. Bayswater and Lancaster Gate 6. Paddington (South) 7. Victoria
<p>Policy E1 applies:</p>	<p>A. Applications that intend to provide facilities for gambling within the hours set out in Clause D, below will generally be granted for the relevant premises licence uses subject to not being contrary to other policies within this Statement of Principles.</p> <p>B. Applications that intend to provide facilities for gambling from premises located outside a Gambling Vulnerability Zone for hours beyond those set out in Clause D will be considered on their own merits, subject to other relevant policies within this Statement, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Licensing Authority Guidance and policies D1, D2 and D3. 2. Appropriate and heightened security features available to ensure the protection of staff and customers and as a deterrent to crime and disorder 3. Additional risk posed to the vulnerable population in the area of the premises due to the extended hours 4. Sufficient transport links to customers leaving the premises to ensure that customers are not stranded or likely to be a victim of or cause crime or disorder upon leaving the premises 5. The impact of any additional hours on children and the vulnerable 6. What genuine gambling activities are available for customers during the extended hours 7. Minimum staffing levels so as not to leave staff feeling vulnerable or isolated and to allow staff safe passage to and from public transport where necessary. <p>C. Whist aiming to permit the Licensing Authority may, none the less refuse applications within a designated Gambling Vulnerability Zone that seek to provide gambling facilities for hours beyond the hours set out in Clause D below or any later hour which has already been permitted by this Authority, and that:</p> <ol style="list-style-type: none"> 1. Does not address the matters set out in Clause B above, and, 2. Does not provide sufficient reasons and risk mitigation in accordance with the Gambling Vulnerability Policy F2 for those hours, and, 3. Does not meet the Gambling Commissions Codes of Practice or its Guidance to Licensing Authorities or is not reasonably consistent with one or more of the Licensing Objectives or any other policy

	<p>within this statement.</p> <p>D. For the purposes of Clauses, A to C above, the hours when gambling facilities can be provided for each premises licence use or gaming machine permit type, as defined within this statement are: Premises Licence Use</p> <ol style="list-style-type: none"> 1. Casinos Monday to Sunday: Up to 24 hours a day. 2. Bingo Monday to Sunday 09:00 to 00:00 3. Betting Shops Monday to Sunday: 07:00 to 22:00 4. Betting Tracks Monday to Sunday: 07:00 to 22:00 (when sporting events are not taking place) 00:00 to 00:00 (during a day when a sporting event is taking place on the premises) <p>E. Licenses for Adult Gaming Centres and Licensed and Unlicensed Family Entertainment Centres that are granted by the Licensing Authority will be required to operate to the following hours or to such other hours that have been agreed by Westminster City Council under Regulation 3(1) of Westminster City Councils Pleasure Fairs (Amusement Premises) Byelaws.</p> <ol style="list-style-type: none"> 1. Adult Gaming Centres Monday to Sunday: 09:00 to 00:00 2. Licensed Family Entertainment Centres Monday to Sunday: 09:00 to 00:00 3. Unlicensed Family Entertainment Centres Monday to Sunday: 09:00 to 00:00 <p>F. For the purposes of clause D within this policy:</p> <ol style="list-style-type: none"> 1. the hours specified for each premises use will not apply between 00:01 on the 25th December until 00:00 hours on 26th December as no facilities for gambling can be provided by virtue of section 183 of the Gambling Act 2005, and 2. the hours shown are the hours set out within the default condition for those gambling premises licences as defined within regulations 11, 15 and 17 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007. <p>G. For the purposes of Clause D.2 (Bingo Premises) the hours stated do not apply to the access of gaming machines in bingo premises.</p> <p>H. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.</p>
<p>Policy G2 applies:</p>	<p>Applications outside a Gambling Vulnerability Zone for a provisional statement, new bingo premises licence or to vary an existing licence will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities. 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3. 3. The applicant having undertaken an assessment of the local area risks as defined within the Location Policy F1 and Risk Assessment Policy C1. 4. The hours for gambling activities being within the hours as specified within the Hours Policy E1. 5. The applicant meeting the requirements of the other relevant policies within this section. <p>B. Applications within a Gambling Vulnerability Zone for a provisional statement, new bingo premises licence or to vary an</p>

	<p>existing licence will be considered on their own merits and subject to the following:</p> <ol style="list-style-type: none"> 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities. 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3. 3. The hours for gambling activities being within the hours as define within the Hours Policy E1 4. The applicant having demonstrated that they have sufficiently assessed the associated gambling risk and put forward sufficient mitigation to satisfy the Gambling Vulnerability Zones Policy F2 and the Risk Assessment Policy C1. 5. The applicant meeting the requirements of the other relevant policies within this section.
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5. Gambling Commission Guidance

5.1 The Gambling Commission have produced 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.

5.2 Paragraphs 7.5 of the GLA describes what may be considered as a premises, it states that:

“...There is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.”

5.3 Paragraph 7.32 of the GLA states:

“...they [Licensing Authorities] should be aware of the following:

“Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit customers should be able to participate in the activity named on the premises licence.’

5.4 Paragraph 7.33 of the GLA sets out factors that the Licensing Authority can use to assist in determining whether premises are truly separate. These factors may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

- 5.5 The Gambling Commissions Guidance to Licensing Authorities (GLA) states in paragraph 7.20 that “The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.”
- 5.6 Paragraph 7.21 of the GLA states: “It should be noted that the Gambling Act 2005 (Mandatory and Default Conditions) Regulations define street as ‘including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not’. This is to allow access through areas which the public might enter for purposes other than gambling, for example, access to casinos from hotel foyers.”
- 5.7 Paragraph 7.22 of the GLA states “There is no definition of ‘direct access’ in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, for example a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.”
- 5.8 The Committee can, if it feels minded impose conditions on the premises licence. Paragraph 9.28 of the Guidance states that

“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.”

- 5.9 The guidance goes further to state that authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. If the authority does decide that the only way to address a particular concern is through conditions it must be proportionate to the circumstances which they are seeking to address.
- 5.10 The guidance encourages licensing authorities to ensure that premises licence conditions are relevant to the need to make the proposed building suitable as a gambling facility, directly related to the premises and the type of licence applied for, or fairly and reasonably related to the scale and type of the premises and reasonable in all other respects (see paragraph 9.31 of the guidance).
- 5.11 Local authorities are also prevented from attaching conditions relating to certain matters. Paragraph 9.32 of the guidance sets out the relevant sections of the Act where conditions may not be imposed.

“...The relevant sections are:

- 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.

6. Options for Members

- 6.1 When determining the application the Committee will need to consider the Gambling Act 2005, the relevant Guidance to Licensing Authorities, the policies contained within the Council's Statement of Principles and the licensing objectives.
- 6.2 Members need to be satisfied that if the application were to be granted there would be no breach of mandatory conditions and the granting of the application would not have a detrimental impact on the licensing objectives.

7. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

8.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Existing licence 22/09958/LIGCH
Appendix 4	Operating Licence
Appendix 5	Premises history
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

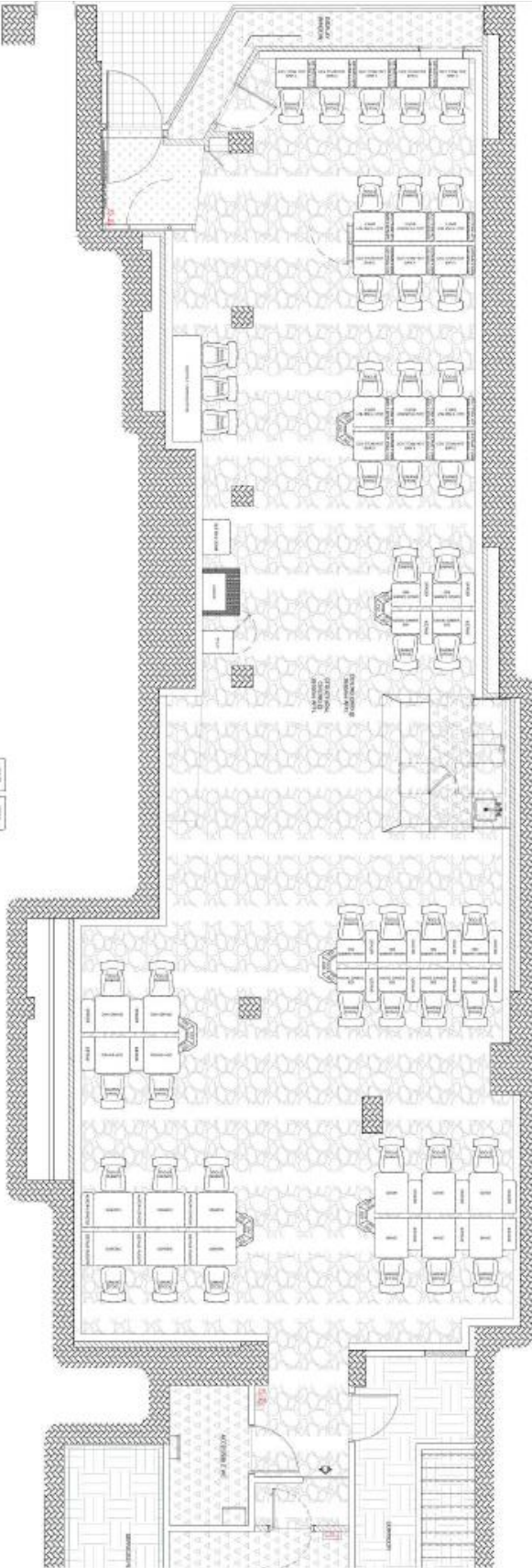
Report author:	Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: Jdonovan@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Gambling Act 2005	N/A
2	City of Westminster Statement of Principles for Gambling	December 2022
3	Gambling Act 2005 (Premises Licence and Provisional Statements) Regulations 2007	N/A
4	Guidance to Licensing Authorities	April 2021
5	Gambling Commission Licence conditions and codes of practice	September 2022
6	Licensing Authority representation	09 August 2023
7	Metropolitan Police Service representation	10 August 2023
8	Interested Party representation (1)	09 August 2023
9	Interested Party representation (2)	10 August 2023
10	Interested Party representation (3)	10 August 2023
11	Interested Party representation (4)	09 August 2023
12	Interested Party representation (5)	10 August 2023
13	Interested Party representation (6)	10 August 2023
14	Interested Party representation (7)	10 August 2023

15	Interested Party representation (8)	10 August 2023
16	Interested Party representation (9)	10 August 2023
17	Interested Party representation (10)	10 August 2023
18	Interested Party representation (11)	04 August 2023
19	Interested Party representation (12)	08 August 2023

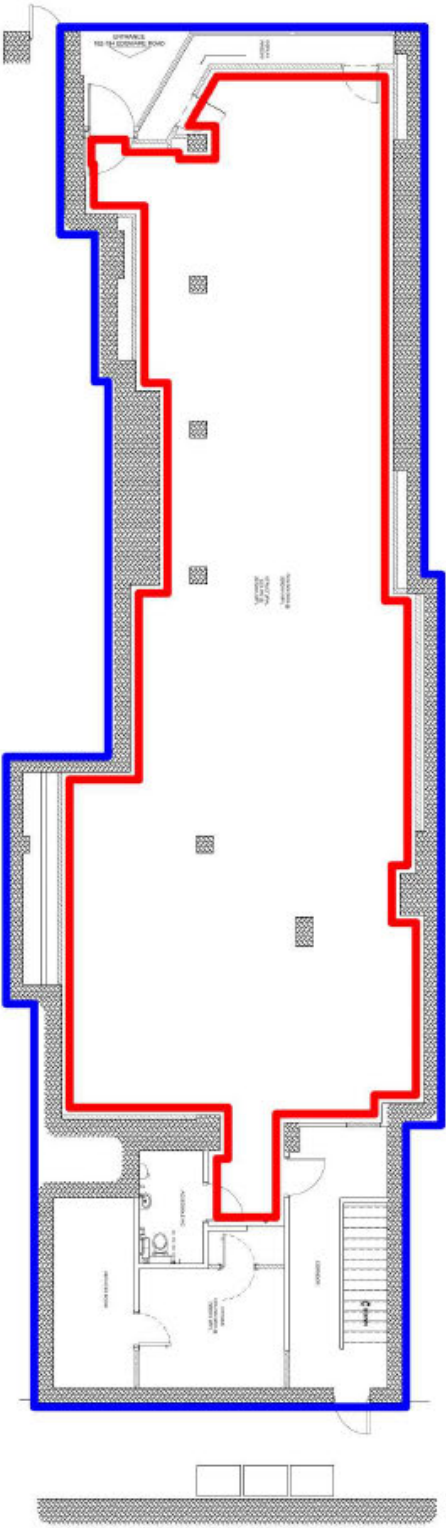


FOR ILLUSTRATION PURPOSES ONLY

MACHINES LISTED	MACHINE CATEGORIES	QUANTITY
CAT B		9
CAT C		9
CAT D		9
DISPOS		9
THANK		9
TABLER		9
TAND		00

REVISIONS	PIE OUT TYPE	REFERENCE DRAWINGS
	FUTURE VENUE	
	PROJECT CASHINO 182 - 184 EDGWARE ROAD LONDON W2 2DS	SCALE 1:50 DRAWN BY MG DATE 11/08/20
	PERMITTED PROPOSED MACHINE PLAN	DRAWING NO. 999-PR-08
		REVISION 01

 MERKUR CASHINO	<small>CONCEPT & DESIGN BY MERKUR M.L. AND IS SUBJECT TO THE COMPETENT LOCAL AUTHORITY'S APPROVAL. THIS DRAWING IS NOT TO BE USED IN CONNECTION WITH ANY OTHER PROJECTS WITHOUT THE WRITTEN PERMISSION OF MERKUR M.L. M.L. MERKUR LTD. 11/08/20</small>
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PROPOSED GAMING AREA: 183m²

LICENCE PARTICULARS LINE TYPE: PROPOSED GAMING AREA (Red outline) LINE TYPE DESCRIPTION: PROPOSED GAMING AREA LICENCE TYPE: CASHINO		REVISIONS	
GAMBLING ACT 2005 LICENSING PLAN Anything shown on this plan, which is not required by The Gambling Act 2005 (Premises Licenses and Provisional Statements) Regulation 2007 is for illustrative purposes only, and does not form part of the premises licence.		PROJECT CASHINO 182 - 184 EDGWARE ROAD LONDON W2 2DS	DESCRIPTION PROPOSED LICENSE PLAN
REFERENCE DRAWINGS SCALE: 1:100 DRAWN BY: MG		DATE 03/08/20	REVISION 00
999-PR-10		 <p><small>CASHINO IS A REGISTERED TRADEMARK OF MERKUR LTD. MERKUR LTD. IS A REGISTERED COMPANY IN THE UNITED KINGDOM. MERKUR LTD. IS A REGISTERED COMPANY IN THE UNITED KINGDOM. MERKUR LTD. IS A REGISTERED COMPANY IN THE UNITED KINGDOM. MERKUR LTD. IS A REGISTERED COMPANY IN THE UNITED KINGDOM.</small></p>	

MERKUR SLOTS, 182-184 EDGWARE ROAD, LONDONLICENSING SUB-COMMITTEE HEARING – 18 APRIL 2024BUNDLE INDEX

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Covert Inspection Reports: Operational Merkur premises: - 182-184 Edgware Road London W2 2DS	163-414

<ul style="list-style-type: none"> - 19 The Concourse, Edmonton Green Shopping Centre, London, N9 0TY - 33 Town Centre, Hatfield, AL10 0JX - 456 Holloway Road, London, N7 4QA - 146 High Street, Hounslow, Middlesex, TW3 1LR - 3 Central Parade, 254 Streatham High Road, London, SW16 1HT & 110 Streatham Hill, London, SW2 4TD - 69 Tottenham Court Road, London, W1T 2HA - 403- 405, Green Street, Upton Park, Plaistow E13 9AU - 91 High Road, Wood Green, London, N22 6BB 	
<p>Consent Order for Admiral, Basement North, 1A Bedford Street, London, WC2E 9HH</p>	439-444
<p>Adult Gaming Centre Premises Licence Summary for Admiral, Basement North, 1A Bedford Street, London, WC2E 9HH</p>	445-446
<p>Adult Gaming Centre Premises Licence for The Little Vic Casino, 156 Edgware Road, London, W2 2DS</p>	447-449
<p>Merkur Slots Social Responsibility, Operational Compliance & Training Documents, including:</p> <ul style="list-style-type: none"> a. Operational Standards Document b. Working Together Document c. Licensing Objectives d. G-Tab - Bringing Traditional Bingo to the High Street e. Social Responsibility Policy f. Powers of the Gambling Commission g. Money Laundering Policy h. Keeping Alcohol Out i. Dealing with Aggressive Customers and keeping crime out j. Complaints Procedure k. Marketing and Promotional Guidelines l. Access to Gambling by Children and Young Persons m. Protection of Children and Vulnerable People from Gambling har n. Employment of Children and Young Persons o. Customer Interaction p. Self-Exclusion q. IHL Tablet Guide: Premises Compliance r. Compliance Policy; s. CCTV Policy t. Machine Fraud Policy u. Machine Ratio Check Policy v. Staff Guard Policy; w. Smoking/Vaping Policy x. Acceptable Proof of Age y. Machine Fraud Policy z. Machine Ratio Policy 	450-543

<ul style="list-style-type: none"> aa. Marketing Code of Practice bb. Staff Training workbook cc. Merkur Group G4 Accreditation dd. Think 25 Poster ee. Sample Premises frontage ff. Sample Responsible Gambling Messaging on premises door gg. Staying in Control Leaflet 	
Extracts of the Gambling Commission's Licence Conditions and Codes of Practice for Bingo Premises	544-603
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Extracts of Paterson's Licensing Acts 2020 Part 8 Para 5.158 – Premises Licences	614-615
The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007: Schedule 2 Part 1 – Conditions attaching to bingo premises licences	616-617

WESTMINSTER CITY COUNCIL

LICENSING SUB-COMMITTEE

18 APRIL 2024

VARIATION OF A BINGO PREMISES LICENCE

MERKUR SLOTS UK LIMITED

182-184 EDGWARE ROAD, LONDON W1D 6JA

APPLICANT’S SKELETON ARGUMENT

Index

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A. INTRODUCTION

Background to the application

1. Merkur Slots UK Limited (“the applicant”) has traded at 182-184 Edgware Road since January 2022.
2. Its licence permits the premises to be used for the provision of facilities for the playing of bingo and other gaming machine use as permitted under the Gambling Act 2005 from Thursday to Sunday 0700 – 0100 and Friday to Saturday 0700 – 0200 and opening hours of 0700 – 0200 Monday to Sunday.
3. The licence is subject to 27 licence conditions.
4. Since opening, over the last 27 months, it has traded without any complaint or issue raised by any resident, responsible authority or any other agency concerned with public protection, including homelessness or addiction.
5. 80 metres to the south at 156 Edgware Road is the Little Vic adult gaming centre and 130 metres to the north at 212 Edgware Road is the Admiral adult gaming centre. **Both of these trade on 24 hour licences without any conditions. Both of these licences are long-standing. Neither has ever been brought in for review.**
6. The applicant now applies to vary its licence to permit it to trade from 0700 – 0600 Monday to Sunday. Following its local area risk assessment, and consideration of Westminster’s policy, local area profile and the representations which have been made, it has suggested a further 20 conditions, making it among the most conditioned, if not the most conditioned, bingo or adult gaming centre licence in Westminster.
7. The conditions are dealt with below, but for present purposes, the Sub-Committee will note that if the licence is granted, from 6 p.m. the applicant will provide a door supervisor, together with at least two trained staff members supervising this small unit and interacting with customers, amply protecting the licensing objectives are fully protected.

8. The applicant has sought to make this application in a way which recognises and fully respects Westminster's Statement of Gambling Principles, and the location of the premises in a Gambling Vulnerability Zone.
9. First, it carried out (and has since updated) a detailed Local Area Risk Assessment (pages 116-137), in the form required by Westminster's policy.
10. Second, it has proposed further conditions going well beyond those already on the licence (pages 32-36).
11. Third, it has supported this application with extensive evidence (pages 450-543) to demonstrate its serious and concerted approach to the licensing objectives.
12. Fourth, it has gone through Westminster's policy criteria and considerations to ensure that the measures it is proposing represent a conscientious response to Westminster's requirements, and has produced a table setting out that response (pages 37-72).
13. Fifth, it has sought to communicate in a constructive manner with residents' associations, responsible authorities and public support agencies during the application process (pages 89-103), and has proposed conditions requiring ongoing liaison following the hearing (pages 32-36).
14. Sixth, it has wanted to produce independent verification that its night-time operation is conducted without harm and so commissioned the following independent reports:
 - a. Adrian Studd who has conducted three overnight observations in Edgware Road in October 2023, and two overnight observations in March 2024 visiting the application premises as well as the two adult gaming centres mentioned above which trade throughout the night without conditions (pages 139-162). He saw nothing of concern.
 - b. Stuart Jenkins of Leveche Associates Limited, who conducted an overnight inspection in Edgware Road in September 2022, with the same outcome. He describes the premises as "low-key, carpeted style lounge with no more than a handful of mature customers in at any one time professionally run with attentive staff and defined systems in place to support the licensing objectives (pages 163-

- c. Leveche Associates Limited, who have conducted night time observations in several locations where Merkur trades to later hours, again with the same conclusions (pages 163-197).

The representations

15. A number of representations have been made. They contain many points which are irrelevant to the exercise of powers under the Gambling Act 2005. However, most of these points are relevant to planning. The applicant will also need planning permission to operate the hours sought, and so these points can be made at that time and will be taken into account.
16. In so far as the representations are relevant, the applicant will show that they are not substantiated by the evidence.

The purpose of this skeleton argument

17. The purpose of this skeleton argument is to help the Sub-Committee navigate the material submitted by setting out some of the background to the application, explaining the legal context under the Gambling Act 2005, and making brief submissions dealing with the representations.

Essential reading

18. In considering the application, the Committee may be particularly assisted by looking at the following documents:
 - Witness statements:
 - Amanda Kiernan, Head of Compliance (pages 73-83)
 - Steve Ambrose, Operations Director (pages 84-86)
 - Andy Tipple, (formerly Head of Product (pages 87-88)
 - Expert reports of Adrian Studd (pages 139-162)
 - Inspection reports by Leveche Associates (page 163-414)

- Legal obligations to promote licensing objectives:
 - Conditions on licence (page 32-36)
 - Further proposed conditions (page 32-36)
 - Mandatory conditions (page 616-617)
 - Gambling Commission’s Licence Conditions and Codes of Practice applicable to non-remote bingo licences (page 544-603)
- Operational standards (page 450-452)
- Local area risk assessment (page 116-137)
- Table of compliance with Westminster’s Statement of Principles for Gambling (page 37-72)
- Letter to licensing officer responding to representation (page 89-97)

B. THE APPLICANT

19. The applicant is a national provider of gaming facilities. It operates to the highest standards of social responsibility and compliance.

20. It has over 230 trading premises. Its sites are across a range of areas, geographically and socially. 67 in London. These are divided into adult gaming centres and bingo premises. Under the legislation, the gaming machine entitlement is identical in both, but in bingo premises there is an added opportunity to play bingo games on tablets. Therefore, in those premises in which the applicant wishes to offer it bingo, it applies for a bingo premises licence rather than an adult gaming centre licence.

21. The applicant is currently trading for 24 hours in 149 premises, including in challenging locations.

22. Its regulatory record is as follows:

- **It has been granted licences in every premises it has applied for.¹**
- **None of its trading licence has ever been reviewed.²**

23. This is despite the range of areas in which the applicant operates, including those with high social deprivation and other social issues, including 24 hour premises. Its systems, staff training, compliance monitoring and audit have proved sufficient to ensure that the licensing objectives are promoted.

24. It is a record of which the applicant is proud and guards with care. In the very rare event of any kind of issue, it will always liaise with relevant authorities to ensure that it is resolved promptly and effectively.

25. The reasons for the applicant's excellent, in fact unblemished, record are summarised as follows:

- (1) The applicant has detailed systems for compliance with the law and promotion of the licensing objectives, which it a) implements through staff training and management programmes, b) supervises through area and national management oversight and c) audits, including through independent audit. These processes are fully described in the evidence.
- (2) Staff are not behind the counter taking or paying out bets. They are on the shop floor, greeting customers as they enter, which also means controlling who is permitted to enter and effectively supervising the premises.
- (3) Those entering will be greeted face to face by a uniformed member of staff. This is an opportunity to observe whether the customer appears to be under 25 (in which case Think 25 is operated), or whether there may be any other issue. The staff member will check whether the customer needs assistance. This interaction means that staff are aware of who is using their premises.

¹ For completeness, there was one refusal in Blackpool but this was granted on re-application three months later following submission of further information.

² In 2021, reviews were commenced in Enfield but were rejected without a hearing by the licensing authority under section 198 Gambling Act 2005 since they were in substance objections to gambling in general rather than to the operator or the premises.

- (4) Alcohol is not only not sold but strictly prohibited.
- (5) Those under the influence of drugs or alcohol are not admitted.
- (6) Children are not admitted.
- (7) Customer numbers are low, usually no more than a handful at one time.
- (8) The customer demographic is adult and up to 50% female with customers coming in alone or with partners rather than in groups.
- (9) There are no “events” in bingo premises such as football matches or horse races, and therefore no reason to hang around.
- (10) There are no general seating areas for people to gather inside. The premises are not fitted out for groups and there is no space for groups to gather.
- (11) The layout of the premises facilitates effective supervision.
- (12) Premises are calm, quiet and low key.
- (13) Good quality CCTV systems are fitted inside and out so that customers know they are under surveillance.
- (14) Exterior loitering does not occur.
- (15) The interiors are clean, well-lit, comfortable and carpeted.
- (16) Sightlines are good. There are no areas in which misbehaviour could take place unnoticed.
- (17) Toilet facilities are provided, with entry supervised.
- (18) Customers will be offered tea/coffee and snacks, and will often chat with the friendly staff. When they are finished playing they wander off with zero impact on the locality.
- (19) Staffing levels are set following a security risk assessment. There is no pre-planned single staffing after 8 p.m. in any premises (and in these premises there will be at least 2 staff members plus a security operative after 6 p.m.).

- (20) Because customer numbers are low, any miscreant behaviour is immediately identified, dealt with and recorded, both on CCTV and by staff on tablets for supervisory review, however minor the incident.
 - (21) Staff Guard is deployed, which enables staff to use a portable alarm to liaise with a central security hub and SIA-licensed staff with audio and visual feeds, and for hub staff to speak directly with customers who therefore know they are being overseen. Staff Guard personnel can liaise directly with local Police if necessary. The use of Staff Guard tends to defuse any incident, since participants are made aware that they are under surveillance.
 - (22) Staff members do not carry floats.
 - (23) Safes are time-delayed.
 - (24) Anti-money laundering systems are used on the machines.
 - (25) The locational and social context is part of induction training for all staff.
 - (26) Staff are also trained in how to deal with any difficult customers (there is a 6 week training course at the outset followed by regular refresher training).
 - (27) Premises are fitted with maglocks, enabling entry to be controlled when necessary.
 - (28) Alarms are installed giving direct contact with the Police.
 - (29) Venues are subject to security risk assessments, so that any further measures needed are periodically assessed and undertaken.
 - (30) The applicant maintains good liaison with local Police.
26. All in all, it the applicant sets out to provide a safe, welcoming and pleasant environment for customers while also promoting the licensing objectives.
27. Obviously, this is not to say that there are never incidents. However, as stated above, staff record all incidents, however low key, which run at the rate of less than 1 per week, with police call-outs at the rate of one per 2.5 months, the latest so far being at 9.10 p.m.

C. REGULATORY COMPLIANCE

28. The applicant 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 paper bingo cards as provided in large, flat-floor bingo halls.
29. As stated above, the applicant and its sister companies regard compliance with the law and licensing objectives as paramount. In practical terms this entails a strong focus on staff training and management programmes, supervision through area and national management oversight, together with independent audit. To take one example, premises-level data, e.g. regarding customer interactions, is harvested on tablets, supplied to head office and audited monthly to ensure all premises, including individual staff within premises, are operating in a compliant manner.
30. Bingo premises are subject to a high degree of regulation in order to support the licensing objectives, including the following:
- 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 operating licences.
 - Premises licences are subject to mandatory and default conditions set by the Secretary of State with the approval of Parliament.
 - The number of machines, the way they operate and their stake and prize limits, are strictly regulated through the Gambling Act 2005 (by Parliament), regulations (by the Secretary of State) and technical standards (by the Gambling Commission). For example, at least 80% of the machines in bingo premises have the same stake and prize limits as pub fruit machines, with 20% governed by the same limits as other high street gambling establishment (AGCs and betting offices).

- The premises licences is already extensively conditioned. But, in this case, the applicant has offered a raft of further conditions, in response to the locational context, Westminster's policy and the representations (pages 32-36).
- Operators are also answerable to the Gambling Commission. They have to provide regulatory returns, report on key events and subject themselves to periodic corporate assessments.
- Premises may also be visited by licensing officers and Gambling Commission officers, who will check on their compliance.

The nature of high street bingo premises

31. Gambling on the high street in Great Britain is dominated by betting offices, both numerically and in terms of environmental impact. As to numbers, betting offices outnumber bingo premises 9:1 (5,995 v 650³). As to impact, betting offices can bring with them social issues. Hence, when an application is made concerning a bingo premises licence, it is sometimes thought that it will bring with it the same kind of issues as sometimes arise at high street betting offices. When applications are made for late night operation, concerns are sometimes expressed that they will produce the same kind of issues as pubs, clubs and fast food restaurants.
32. In fact, high street bingo premises in general and the applicant's in particular are completely different from other premises in terms of local impact.
33. It is therefore important to try to convey why the applicant's premises trade without regulatory concern.
34. *On arrival.* It is noticeable that groups do not loiter or gather outside high street bingo premises smoking, drinking, littering and importuning passers-by. The absence of such activity is not only observable but is explained by several facts:
- The customer demographic is different from betting offices. It is older and up to 50% female with customers coming in alone or with partners rather than in groups.

³ Gambling Commission industry statistics, February 2024.

- There are no “events” in bingo premises such as football matches or horse races and therefore no reason to hang around, and nowhere to cluster or socialise.
- There are no general seating areas for people to gather inside. The premises are not fitted out for groups.
- Alcohol is not only not sold but strictly prohibited. Nobody in a high street bingo premises is under the influence of alcohol.
- Those under the influence of drugs or alcohol are not admitted.
- Unlike in betting offices, staff are not behind the counter taking or paying out bets. They are on the shop floor, greeting customers as they enter, which also means controlling who is permitted to enter and effectively supervising the premises.
- Good quality CCTV systems are fitted to the exterior of the premises and are monitored. Those outside know they are under surveillance. If loitering occurs, it is dealt with.

35. The effect on the streetscape is important. Those passing high street bingo premises do not have to walk past groups of people standing or misbehaving in the street. Consistent and authoritative evidence on this topic is given by experienced company witnesses and also by Mr. Studd and Mr. Jenkins.

36. *Exterior appearance.* The facades of high street bingo premises are smart, well-maintained and spotlessly clean. It is not possible to see gambling taking place inside, unlike (for example) betting offices, or pubs. The exterior contains signage explaining that Think 25 is operated, that alcohol is not permitted and that CCTV is in operation, alongside responsible gambling messaging.

37. *Upon entry.* Those entering will be greeted face to face by a uniformed member of staff. This is an opportunity to observe whether the customer appears to be under 25 (in which case Think 25 is operated), or whether there may be any other issue such as inebriation, in which case the customer will politely be asked to leave. The staff member will check whether the customer needs any other form of assistance. This interaction means that

staff are aware of who is using their premises. Again, this is unlike betting offices where staff are behind a counter taking and paying out bets.

38. *Appearance.* The interiors are clean, well-lit, comfortable and carpeted. Toilet facilities are provided. Responsible gambling messaging is prominently displayed throughout the premises and on the machines. Customer information leaflets are also prominently displayed, explaining where and how to obtain help with problem gambling.

39. *Participation.* Customers have an opportunity to play bingo on tablets, which includes games generated on the devices themselves, and also links to a national game, and to play gaming machines, the limits for which are set by law. During their stay they are offered tea/coffee and snacks. When they are finished playing they leave without impact on the locality, particularly since, unlike in pubs and clubs, alcohol is not available and the atmosphere is quiet and calm.

40. *Protection of vulnerable people from being harmed or exploited by gambling.* So far as vulnerable persons are concerned:

- Alcohol is not permitted in the applicant's bingo premises.
- Those who are intoxicated through alcohol or drugs are not permitted on the premises.
- "Stay in Control" posters and leaflets with the GamCare helpline number are located prominently in the premises, including the WC.
- All machines display responsible gambling messages with helpline contact details.
- Customers may set deposit and time limits on machines to assist them with managing their gambling behaviour.
- The premises are supervised by staff who are trained to notice behavioural indicators of vulnerability.
- As required by the Gambling Commission's Licence Conditions and Codes of Practice, the applicant's systems include processes for customer interaction and

self-exclusion. Interventions are recorded electronically so that they can be overseen by independent compliance auditors.

41. *Protection of children from being harmed or exploited by gambling.* As regards this objective:

- Although children are entitled to enter bingo premises as a matter of law, children are not allowed in the applicant's premises.
- The exterior contains no advertising or marketing which might be attractive to children.
- Gambling cannot be seen from the outside unlike, say, in betting offices and sometimes pubs.
- The exterior (and the interior) contains prominent messaging stating that Think 25 is applied.
- Those entering are greeted by staff members, so that their appearance is checked immediately.
- Staff are required to log all Think 25 events electronically, with premises data checked by the applicant's audit department to ensure that the system is being properly operated.
- Third party age verification testing is conducted.
- It is fair to report that the outward appearance, interior ambience, supervision, layout and product in bingo premises are not attractive to children, and the applicant's systems have proved more than effective to ensure that underage gambling is not an issue in its premises. It is also right to mention that, trading on busy high streets nationally, premises are almost always in close proximity to retail and service outlets attractive to children, but this has not proved problematic.

D. THE LAW

42. As the Sub-Committee 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)).

43. The gambling licensing objectives (section 1) are:

(a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,

(b) ensuring that gambling is conducted in a fair and open way, and

(c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

44. Where the criteria in section 153(a)-(d) are satisfied, there is a mandatory “aim to permit”. This is described by the Gambling Commission in the Guidance to Licensing Authorities as the authority’s “primary obligation” (para 7.56).

45. The test is different from that under the Licensing Act, which asks the authority to take the steps appropriate for the promotion of the licensing objectives. The Gambling Act mandates the authority to aim to permit applications which are (among other things) reasonably consistent with the licensing objectives.

46. Paterson's Licensing Acts' commentary on the provision states:

"... A person who 'aims' to achieve a result will usually take active steps to bring it about. The provision appears to place a duty upon the licensing authority to exercise their powers so far as is lawfully possible to achieve a position in which they can grant the premises licence and thus permit the premises to be used for gambling."

47. Section 153 applies to variations in the same way as it applies to applications for new licences: section 187(3).

48. As the Sub-Committee will know, a variation application does not trigger a general review of the licence: it is concerned only with the proposed variation: Taylor v Manchester City Council [2012] EWHC 3467 (Admin) at para [77]. The principle of the licence is already established. Therefore, in this case, the Sub-Committee is concerned only with the extension of hours applied for.

49. It is not open to an authority to refuse a licence on the basis that it is inappropriate to licence an operation or a further operation, in an area. As the Guidance says (page 542):

5.34 Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

50. Rather, as the paragraph makes clear, there would need to be reasons which demonstrate that the licensing objectives would not be met. That means demonstrate by evidence.

51. In this case, the application is to relax conditions relating to hours of operation. The Commission's Guidance states that conditions limiting use should not be applied (or, conversely, an application to relax them refused) unless necessary:

9.28 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."

52. Finally, the following considerations are legally irrelevant to the determination of an application for a licence or variation:

- i. Nuisance (see Guidance para 5.5).
- ii. A dislike of gambling (Guidance para 5.34).
- iii. A general notion that it is undesirable to allow gambling premises in an area (Guidance para 5.34).
- iv. Moral or ethical objections to gambling (Guidance para 5.34).
- v. The demand for gambling premises (see s 153 Gambling Act 2005). As such, objections which state that there are enough gambling establishments in a locality may be relevant to planning, but they are irrelevant to licensing.
- vi. Planning matters.

53. It is therefore necessary to consider:

- whether there is evidence which demonstrates that the grant of this variation would not be reasonably consistent with the licensing objectives;
- in the light of a) the applicant's history of successful operation of gambling premises, b) its regulatory record, c) the various existing legal controls on its operation and d) the further conditions offered, whether it is necessary to refuse or only partially grant the application;
- whether any further conditions might be necessary in order to be able to grant the application, consistent with the aim to permit.