

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Wednesday, 2 April 2025

**Present:** Councillor Flanagan – in the Chair

**Councillors:** Glover and Judge

**LCHP/25/24. Application for a New Gambling Premises Licence - Merkur Slots, 537 Stockport Road, Manchester, M12 4JH**

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning an application for a new Gambling Premises Licence at the above location. The Hearing Panel considered the written representations within the papers and the oral representations of the parties who attended the hearing, as well as the relevant legislation.

The applicant's counsel addressed the Hearing Panel. They began by addressing the main issues regarding the application. Firstly, the representation from Licensing Out of Hours (LOOH). The applicant's counsel noted there had been concerns over the presentation of the Premises, staff to customer ratios, and inadequate signage displayed at other stores. Each of those concerns had been addressed and subsequently, LOOH withdrew their representation on the date of the previous hearing, 21 February 2025.

In relation to crime and disorder, the primary source of information was noted as being the Police. There had been no representation received from Greater Manchester Police (GMP). Pre-application discussions had taken place with GMP regarding the proposed conditions and they were satisfied with the proposals. GMP were particularly pleased to see Condition 12 which stated:

*“For 6 months from the date the premises is open to the public, the date to be confirmed in writing to the Licensing Authority, a SIA licensed door supervisor shall be on duty from 22:00 until 06:00 the following morning. Following the initial 6-month period, the requirement for door staff shall be risk assessed and cognisance taken of police advice.”*

The applicant's counsel noted that there had been failures of staff in their Stockport store. Those failings had been investigated by the Gambling Commission who subsequently fined the applicant for that. The Gambling Commission, in their findings, did note that the applicant had and continued to have sufficient policies and procedures in place. Following the imposition of the fine, staff were retrained, not just at the Stockport premises but throughout the whole estate. The Gambling Act 2005 requires the Licence holder to be responsible for staff actions and the Gambling Commission had made that distinction clear. The applicant's counsel submitted that it was irrational and wrong to extrapolate from this fine that the applicant could not be trusted. The applicant, under different names, had been operating since the 1980's and had over 200 stores, with this imposing of a fine of the Gambling Commission an isolated incident.

The applicant had responded to Public Health's late submission on 24 March 2025. Substantial investigations had taken place between the original hearing date and the submission of the applicant's response. The applicant noted that they had reported 25 self-exclusions in that timeframe, more than three times that of their closest national competitor. In terms of the complainant, there were no signs of a need for staff to interact with them based on the list provided by the Gambling Commission of behaviours staff should be aware of.

The applicant's counsel, in relation to the protection of children and other vulnerable persons, accepted that any gambling Premises carries the risk of gambling harm. The Gambling Act 2005 requires that Licence holders have reasonable measures in place to prevent harm, set out in Section 153. The applicant's counsel stated that the Panel were required to determine if the proposals were sufficient. There being a greater than usual risk of harm did not mean there must be a refusal of the application, but that measures to prevent harm are looked at appropriately. Manchester's own policy states that conditions can be added to a Licence to mitigate risks, with the applicant's counsel noting that Condition 12 was a good example of that. The protections and measures in place by the applicant are the same at all stores regardless of location, with some strengthened where there was a greater than average risk. If the protections and measures were to not work, regulation is available, with the mechanism for a review of the Licence. Section 201 gives a Licensing Authority the power to look at everything during a review. The applicant's counsel stated that the policies and procedures the applicant had were strong and comprehensive and provided example of the conditions relating to the protection of children and other vulnerable persons, as well as conditions relating to crime and disorder. The Gambling Commission, in their imposition of a fine, had also confirmed that the policies and procedures in place were sufficient.

There was a suggestion that the Bingo facilities on offer were not substantive. The applicant's counsel provided case law which stated that it cannot be required as part of a Licence that there was a Primary facility. It is expected that customers recognise that Bingo is available. The applicant's counsel drew attention to images within the report which highlighted the shop frontage, which displayed a reference to bingo facilities being available. Internally, a screen was available which showed the numbers being called. The applicant's counsel found it difficult to see how one could fail to recognise that Bingo was on offer. They submitted that it was a substantive offer.

In relation to customer to staff ratios, statistics were provided to show the average figures across a week in half an hour slots at different store. The average level of customers never reached double figures. The applicant performs risk assessments for the level of staffing required. It was stated to be clear that adjustments are in place where necessary.

The applicant's counsel then addressed the representation of Public Health. Concerns had been raised regarding information on local support groups. Concerns were also raised about limited engagement from the applicant. The applicant's counsel drew attention to a chain of emails within the report that highlighted the applicant discussing training and posters for local support groups with Public Health. Meetings with Public Health had been requested, the offer was not taken up and a

link to training was sent instead. A briefing was also requested which was eventually agreed to but subsequently cancelled with no alternative date provided. It was clear the applicant was attempting to engage with Public Health.

Public Health were invited to ask questions of the applicant and their counsel. From those questions, it was stated that there are always vulnerable people at risk and all the applicant could do was put reasonable measures forward to reduce that risk. The applicant felt that the location was suitable to trade from. The applicant would work with any local support groups and employed a Safer Gambling team. The number of machines suggested was to give customers choice, rather than an expectation that all would be in use at any one time.

From questions from a ward Councillor, it was noted that the applicant would advertise locally in the recruitment process, with language skills a positive but not essential. The applicant had substantial measures in place regarding crime and disorder. All staff are trained, with a 6-week induction for new staff and refresher training every 6-months. The applicant was willing to work with any local community groups and educate their staff on local support groups.

From questions by the Panel, it was stated that, whilst the applicant held two Licences in Manchester, they only operated one of them. Their other store in Manchester applied for a 24-hour Licence but in agreement with GMP, the hours were reduced. Evidence of other stores had been provided to show a pattern that there was no loitering outside the stores, small numbers inside the store and people not entering from pubs. The evidence was to show that fears around gambling Premises are not always the reality. The applicant's counsel accepted that the store evidenced was in London and Manchester patterns could be different. Work was ongoing to provide similar evidence regarding stores in the North West.

The applicant's counsel noted that it was permitted that machines can be used more. The only way to have bingo facilities is to have a bingo Licence with gaming machines attached to it. It was noted that the default hours of operation for bingo were 9.00am to 12.00am. The law permits for under 18's to be on a Premises used for Bingo, however the applicant does not permit it as part of their conditions. The applicant successfully prevents children from entering the Premises. Whilst evidence showed an 89% success rate with Think 25, which the Panel raised as an 11% failure in preventing children entering the Premises, the applicant's counsel noted that those tests were all people of age 18 to 25. Training manuals do state that it is a criminal offence to allow an Under 18 to gamble, however the applicant's counsel accepted that the penalty for doing so was not provided.

The applicant's counsel stated that it was a fact that there had been no review of any Premises ran by the applicant. Training is constantly updated and was reviewed at the outset of the Gambling Commission investigation. Face to face training had been increased as part of that review. A management structure was provided. A long history showed that there had never been an occasion where all machines in store are in-use. Risk assessments would be updated should that change. It was noted that the Panel could impose conditions relating to external signage, stating that the law only required one to know that bingo was available. The applicant's counsel felt it

was clear that bingo was available. It was noted that additional conditions could be imposed to increase the bingo offer.

The Panel adjourned for a lunch break.

Public Health addressed the Hearing Panel, stating that their representation was submitted as an Interested Party. Public Health felt that the application would harm children and vulnerable people. Public Health England had researched the level of harms cause in high deprivation areas, which Longsight was. Examples of gambling harms were provided, including suicide. One in fifteen Manchester residents were said to have been affected by gambling related harms. Public Health stated that the problem was not the individual but the product. Public Health had concerns regarding the location of the Premises and questioned if the applicant understood the possible harm that such a Premises could cause.

Public Health raised concerns that a Bingo Licence was applied for yet there would be many gaming machines. They were concerned regarding staff to customer ratios. They were concerned that a visit of LOOH to the applicant's other Manchester store had discovered that appropriate signage was not displayed regarding local support groups. Public Health did not believe enough was being done to protect vulnerable people. Public Health were concerned that the applicant had been fined for failings at a different location. They did not believe that the applicant could protect children from harm.

A ward Councillor addressed the Hearing Panel, noting that they were representing many other members. They noted that this was a deprived area and felt such an application would cause harm to adults and children. The ward is particularly diverse in terms of ethnicity and youth. It was felt an application such as this would impact on anti-social behaviour, and crime and disorder. Gambling addiction is a topic that brings stigma in Muslim communities and support is lower due to this. The District Centre of Longsight was stated as being unique and that it was felt the applicant had not understood the area.

A resident objector addressed the Hearing Panel, noting the more they had heard regarding the applicant, the more convinced they were it would cause harm. They felt the area was over saturated with gambling sites. The area has lots of young people, and anti-social behaviour. The District Centre does not have empty units for long so if the application was refused, it was felt something else would come along that was more appropriate. The big fear for residents was that the application could cause irreparable harm.

A ward Councillor summed up by emphasising the uniqueness of the location and asked the Panel to refuse the application.

A resident objector summed up by stating that they could not imagine a more inappropriate place for the application than this.

Public Health summed up by stating that their position remained to refuse the application due to the harms it would cause. They reiterated that the policies and procedures in place had failed at a different store. It was down to the applicant to

ensure that training was sufficient and that had not been done. Public Health knew that the applicant's conditions had not been met at their other Manchester store. They reiterated that this was an application for a Bingo premises yet there was a vast amount of gaming machines. They asked the Panel to refuse the application.

The applicant's counsel summed up by stating that they did not accept that the applicant's policies and procedures had failed. The same policies and procedures succeeded elsewhere, and it was wrong to take from one incident that there were systemic failings. It was misleading to suggest that children had been on any Premises ran by the applicant as there was no evidence to suggest that they had. The applicant's counsel agreed that having one staff member working alone was a risk. They proposed an additional condition that there would be no 'pre-planned' single staffing at the Premises at any time. The applicant's counsel proposed reducing the terminal hour to 1.00am, in line with their Deansgate store, rather than 24-hours. The applicant's counsel proposed that the signage of the front of the store would only display Bingo. They noted that the Panel needed to look at whether the policies and procedures were reasonable for protection of children and vulnerable people. The applicant's counsel stated that there was no evidence to support claims that the application would cause harm. If at any point the policies and procedures did not work, there was a review mechanism available. The applicant's counsel stated that there was a comprehensive set of policies and procedures in place, approved by the Gambling Commission and succeeding in 220 stores.

In their deliberations, the Panel considered the Gambling Act 2005, codes of conduct and guidance issued by the Gambling Commission, licensing objectives and the Licensing Authority Gambling Policy. The Panel were satisfied that the policies and procedures in place gave clear guidance as to how the applicant would adhere to the provisions of the Gambling Act 2005, specifically S153. The Panel agreed that the relevant codes of practice under S24 had been adhered to in the applicant's policies and that staff training was performed at regular intervals. The Panel were satisfied that the applicant had put forward a number of conditions, recognising that they would assist the Premises in complying with the Gambling Commission's codes of practice and MCC's Gambling Policy. The Panel also noted that no Responsible Authorities had a representation remaining, with GMP having not made one and LOOH having withdrawn theirs.

However, the Panel did have concerns about the effectiveness of the Premises in protecting vulnerable people and children from gambling harm. The Panel noted the fine from the Gambling Commission was as a result of staff failing to implement policies and procedures, although still felt the applicant had failed in its duty to minimise risk. The Panel had concerns that they had heard there had been conditions not adhered to at the Deansgate store. The Panel had concerns relating to the external signage and how clear it was that Bingo was available.

## **Decision**

To grant the application subject to the following:

### **Hours of Opening**

8am – 12 midnight Monday to Sunday

and subject to the conditions proposed by the Applicant save for the following amendments:

**Condition 9** – *“At all times it is open to the public prominently display bingo advertising internally and externally viewable from the street.”*

**Replaced with**

*“At all times it is open to the public prominently display bingo advertising internally and externally viewable from the street. One single poster advertising bingo only / bingo images shall be posted externally. No other external advertising / signage shall be displayed on the highway outside the premises.*

**Condition 12** – *“For 6 months from the date the premises is open to the public, the date to be confirmed in writing to the Licensing Authority, a SIA licensed door supervisor shall be on duty from 22:00 – 06:00. Following the initial 6-month period, the requirement for door staff shall be risk assessed, and cognisance taken of police advice.”*

**Replace with**

*“For 6 months from the date the premises is open to the public, the date to be confirmed in writing to the Licensing Authority, a SIA licensed door supervisor shall be on duty from 21:00 – 00:00 (midnight). Following the initial 6-month period, the requirement for door staff shall be risk assessed, and cognisance taken of police advice.”*

**Condition 13** – *“there shall be no pre-planned single staffing at the premises between the hours of 18:00 and 06:00.*

**Replace with**

*“There shall be two members of staff at the premises at all times except in the case of an emergency.”*

The following condition is also to be added to the licence.

*“Bingo facilities must be prominent upon entry to the premises and be the first terminals that can be accessed. There shall be a designated seating area for the exclusive purpose of playing bingo.”*