

LICENSING SUB COMMITTEE

Tuesday, 2 September 2014 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

Contact for further enquiries:

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agenda:



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Agenda Item 4.1

Committee : Licensing Sub-committee	Date 2 nd September 2014	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for 129 Whitechapel High Street, London E1 7PT Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Mr Muhammed Farooq Qureshi**

Name and **Food Giant Express**

Address of Premises: **129 Whitechapel High Street**
London
E1 7PT

Licence sought: **Licensing Act 2003 – premises licence**

- **Sale by retail of alcohol**

Representations: **Met Police**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 Background

3.1 This is an application for a premises licence for 129 Whitechapel High Street, London E1 7PT.

3.2 A copy of the application form is enclosed as **Appendix 1**.

3.3 The applicant has given the description of the premises as follows:

- *Small convenience store/ newsagent offering a range of groceries offering a range of groceries in addition to the sale of alcohol by retail.*

3.4 Although the applicant has described the premises as a “convenience store/ newsagent”, the “off sale” of alcohol has not been applied for. Instead, the applicant has applied for alcohol to be consumed “on the premises” as follows:

Sale by retail of alcohol – ON SALES

- Monday to Sunday, from 08:00 hours to 23:00 hours

Hours premises are open to the public:

- Monday to Sunday, from 08:00 hours to 23:00 hours

3.5 Members may wish to ask for clarification on the following issues. Although only the above licensable activity and timings have been applied for, the applicant has given further details on the application form as follows:

- (Plays) Occasional performance of a comic or other nature may be provided as part of the overall entertainment
- (Films) Film and /or video shows or relays may be provided from time to time whether of a musical and / or sporting nature or otherwise and whether forming the principal entertainment offered or as ancillary to other entertainment.
- (Indoor Sporting Events) Such indoor sporting events as may be undertaken on the premises from time to time including, for example, pool, snooker etc.
- (Live Music) The applicant wishes to be able to provide both live amplified and unamplified music and singing as may from time to time compliment the range of entertainment being provided at the premises whether as the principal entertainment or in conjunction with dancing and/or any other permitted activity.
- (Recorded Music) The applicants wish to have the facility for the provision of recorded music whether as the principal entertainment provided or in conjunction with dancing or any other permitted activity.

- (Performance of dance) The applicants wish to provide such performance of dance as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity
- The applicant wishes to provide such other entertainment of a like kind as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity
- (Late Night Refreshment) The applicants wish to be able to provide facilities for late night refreshment as may be required from time to time to compliment the range of activities (whether licensable or not) being provided at the premises whether as principal or in conjunction any other permitted activity.

3.6 A map showing the relevant premises is included as **Appendix 2**.

4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.

4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 **Representations**

5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.5 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.6 This hearing is required by the Licensing Act 2003, because a relevant representation has been made by the Met Police.
- 5.7 Please see **Appendix 3** for the representation of Met Police.
- 5.8 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise
 - Trading Standards
 - Child Protection
 - Public Health
 - Licensing Authority
- 5.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.10 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.
- 5.11 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

6.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)
- ∇ Also "so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.6).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.25).
- ∇ "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities."

(10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.33).
 - ∇ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.39).
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve the licensing objectives.” (2.39)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 4 - 10** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

- 8.1 The Council's legal officer will give advice at the hearing.

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** the representation of Met Police
- Appendix 4** Licensing Officer comments on noise while the premise is in use
- Appendix 5** Licensing Officer comments on access/egress problems
- Appendix 6** Licensing Officer comments on crime and disorder on the premises
- Appendix 7** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 8** Planning
- Appendix 9** Licensing Policy relating to hours of trading
- Appendix 10** Cumulative Impact Policy

Appendix 1

London Borough of Tower Hamlets

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mr Muhammad Farooq Qureshi
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

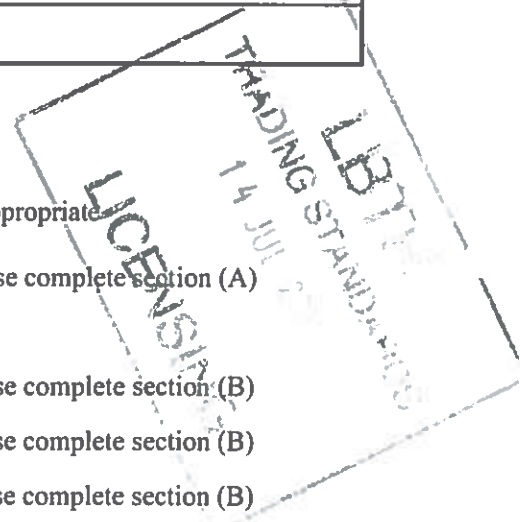
Postal address of premises or, if none, ordnance survey map reference or description 129 Whitechapel High Street,			
Post town	London	Postcode	E1 7PT
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£31,500	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |



- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Qureshi			First names Muhammad Farooq		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town	London		Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	0	08 2014

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
±	±	± ± ± ±

Please give a general description of the premises (please read guidance note 1)
 SMALL CONVENIENCE STORE / NEWSAGENTS OFFERING A RANGE OF GROCERIES IN
 ADDITION TO THE SALE OF ALCOHOL BY RETAIL.
 PLEASE REFER TO PREMISES PLAN FOR MORE DETAILS.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3) Occasional performance of a comic or other nature may be provided as part of the overall entertainment provision to patrons.	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) Please refer to box J for non-standard timings.		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Film and/or video shows or relays may be provided from time to time whether of a musical and/or sporting nature or otherwise and whether forming the principal entertainment offered or as ancillary to other entertainment, e.g. music and dancing.		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) Please refer to box J for non-standard timings.		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3) Such indoor sporting events as may be undertaken on the premises from time to time including, for example, pool, snooker etc.
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><u>Please give further details here</u> (please read guidance note 3) The applicant wishes to be able to provided both live amplified and unamplified music and singing as may from time to time compliment the range of entertainment being provided at the premises whether as the principal entertainment or in conjunction with dancing and/or any other permitted activity.</p> <p><u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.</p>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The applicants wish to have the facility for the provision of recorded music whether as the principal entertainment provided or in conjunction with dancing or any other permitted activity.		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) Please refer to box J for non-standard timings.		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) The applicants wish to provide such performance of dance as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing Anything of a similar description and not specified elsewhere in this application.</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3) The applicant wishes to provide such other entertainment of a like kind as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) The applicants wish to be able to provide facilities for late night refreshment as may be required from time to time to compliment the range of activities (whether licensable or not) being provided at the premises whether as principal or in conjunction any other permitted activity		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Muhammad Farooq Qureshi	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) The premises may be open to members of the public for non-licensable activities without limit.
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Please see attached continuation sheet

b) The prevention of crime and disorder

As above

c) Public safety

As above

d) The prevention of public nuisance

As above

e) The protection of children from harm

As above

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	11/07/2014
Capacity	Applicant’s Solicitor/Advocate




For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

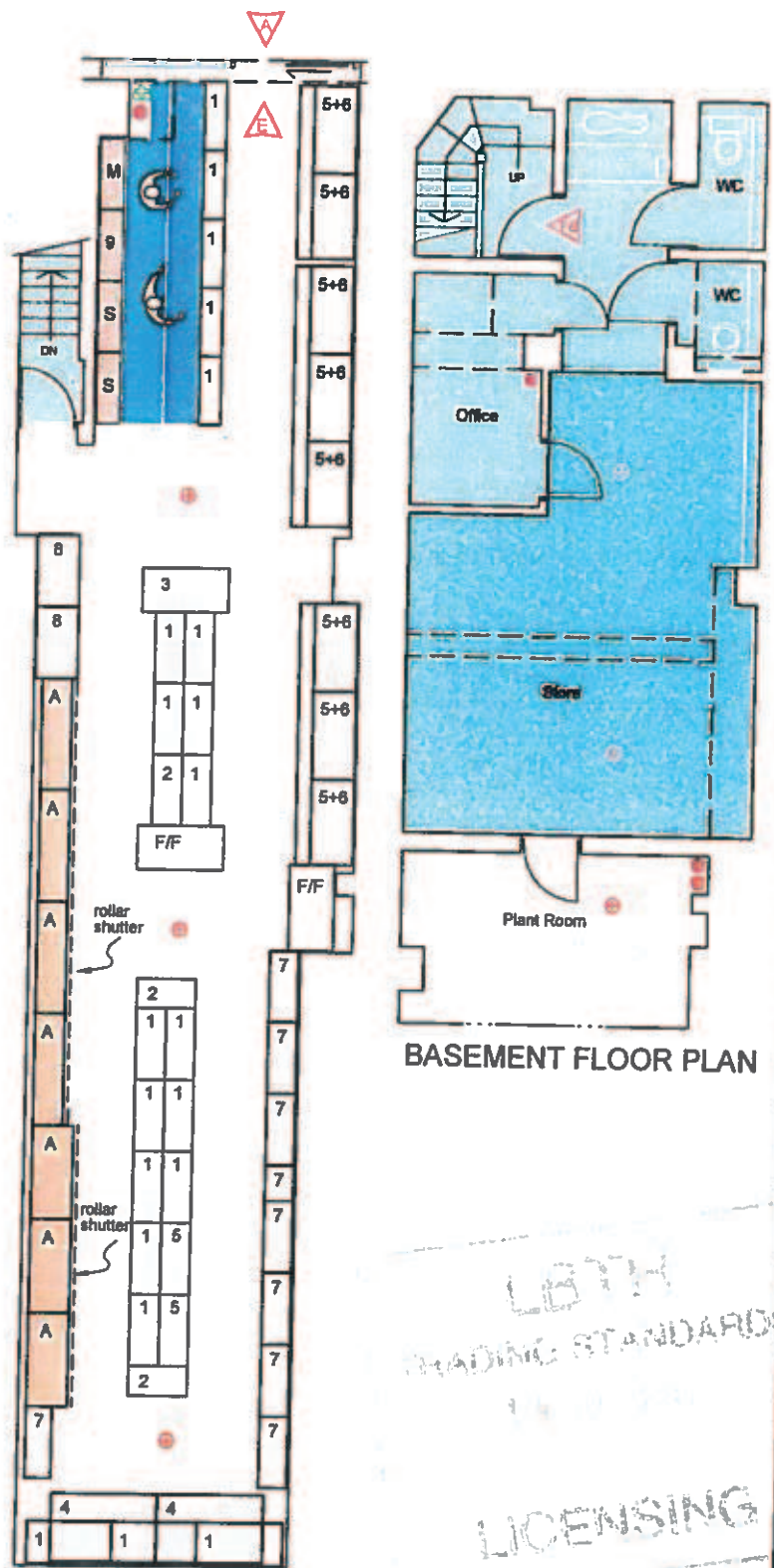
Dadds LLP Licensing Solicitors



Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

LEGEND

- POINT OF ACCESS
- POINT OF EGRESS
- FIRE EXIT
- PRIVATE AREA (+0 FFL)
- INTERNAL PUBLIC FLOOR AREA (+0 FFL)
- RAISED BACK OF COUNTER AREA (+150 FFL)
- STORAGE AREA
- PLANT ROOM
- CASHIER COUNTER
- 1 TINNED & PACKAGED GOODS
- 2 HOUSEHOLD, CLEANING & PET PRODUCTS
- 3 BAKERY & CAKES
- 4 FROZEN FOODS AT LOW LEVEL
- 5 COLD DRINKS
- 6 DAIRY, EGGS & CHILLED FOOD
- 7 FRESH FRUIT & VEGETABLES
- 8 NEWSPAPERS & MAGAZINES
- 9 CIGARETTES
- F/F FRIDGE/FREEZER
- M MEDICINE ETC
- A ALCOHOL, BEER
- S SPIRIT AND LIQUEUR
- SMOKE DETECTOR
- FIRE EXTINGUISHER
- FIRST AID KIT



GROUND FLOOR PLAN

BASEMENT FLOOR PLAN

LBTM
TRADING STANDARDS
LICENSING

Food Giant Express - 129 Whitechapel High Street, London E1 7PT



Notes:
These drawings have been prepared for the purpose of this deed only. Use of these drawings for any other purpose will be subjected to copyright of the architect. All dimensions and levels shown are to be verified on site. Proposed layouts are subjected to amendment as a result of the reinforcement of existing floor, wall, roof structure by structural engineers.

Title: GENERAL LAYOUT
Client: Mr. Riaz & Mr. Ilyas Qureshi

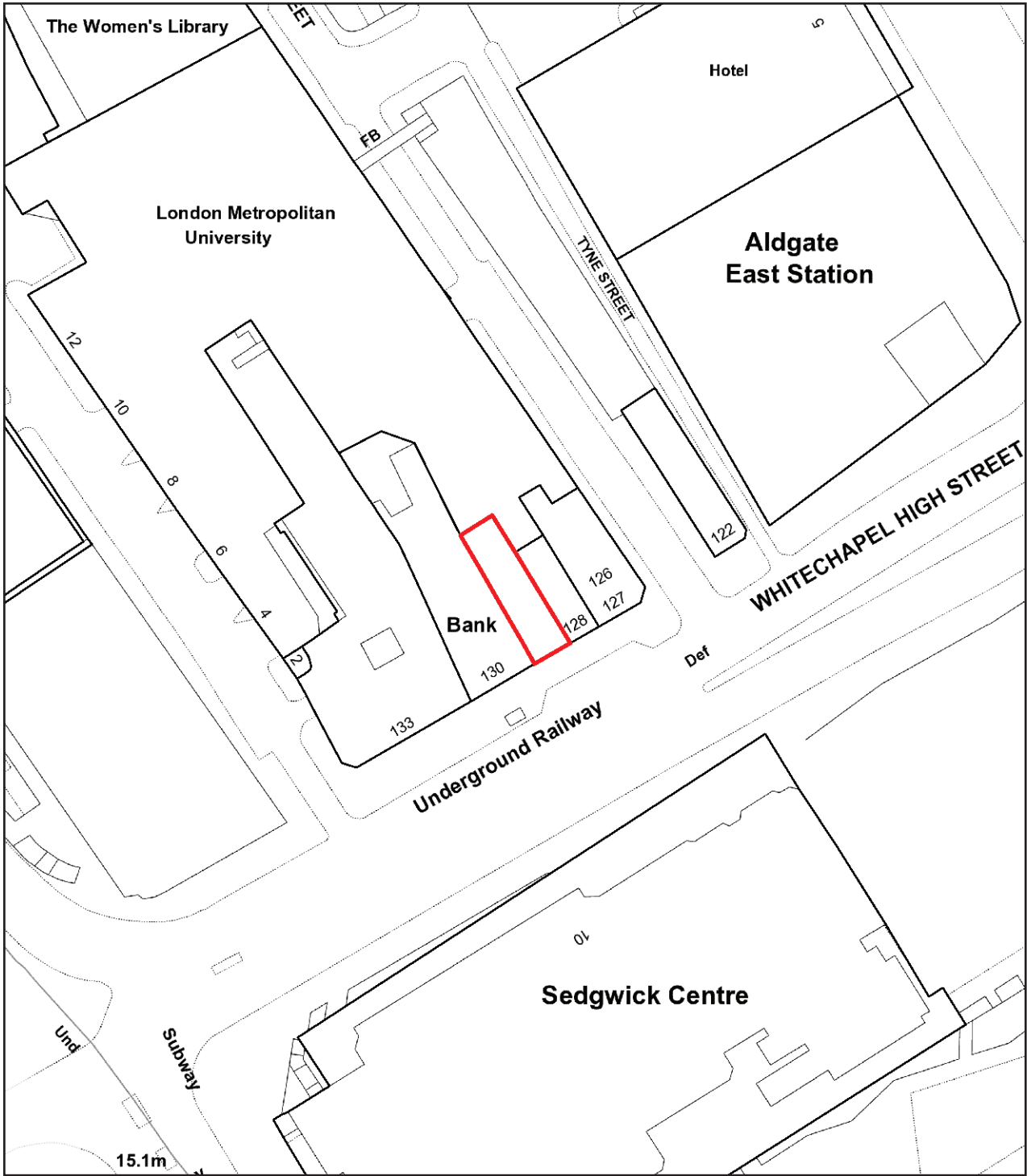
Ver	Date	Comments	Drn	Chk	App
1:100	@A4				P3
FOR INFORMATION					
129/E1-7PT/LA/001					

Schedule of conditions- 129, Whitechapel High Street, London, E1 7PT

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
3. The premises licence holder shall ensure that refresher training be satisfactorily completed every 12 months for all staff and documented as above.
4. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period (under and in accordance with the Data Protection Act
5. At all times when the premises are open for the sale of alcohol to the public, a suitably trained member of staff shall be present to assist Police or Council Officers in obtaining the CCTV footage.
6. The premises licence holder shall ensure that a 'Challenge 25', or similar, scheme is operated at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card. The premises licence holder shall ensure that notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.
7. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer as well as the name of the member of staff who refused the sale. The refusals log shall be made available for inspection by the licensing team, police or trading standards upon reasonable request.
8. An incident log shall be kept at the premises shall be made available for inspection by the licensing team, police or trading standards upon reasonable request which should record the following;
 - a. All crimes reported to the venue
 - b. All ejections of patrons
 - c. Any complaints received
 - d. Any incidents of disorder
 - e. Any visit by a relevant authority or emergency service

9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
10. There shall be no self-service of spirits on the premises.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No super-strength beer, lager or cider of 6.5% ABV (Alcohol by volume) or above shall be sold at the premises.
13. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screen or secured behind locked cabinet doors.
14. No more than (15)% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
15. All waste shall be presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300hrs and 0800hrs.
17. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

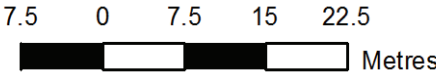
Appendix 2



129 Whitechapel High Street



Scale 1:851



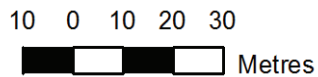
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129 Whitechapel High Street



Scale 1:1842



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Appendix 3

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 08 August 2014 10:40
To: Damian Doherty
Subject: FW: 129 Whitechapel High St
Attachments: 129 Whitechapel High St.doc

From: Alan.D.Cruickshank@met.pnn.police.uk [<mailto:Alan.D.Cruickshank@met.pnn.police.uk>]
Sent: 08 August 2014 09:23
To: Licensing
Cc: [REDACTED]
Subject: 129 Whitechapel High St

Dear all

Please accept my representation re: the above premise.

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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LBTH Licensing

Toby Club
Vawdrey Close
E1 4AU

HT - Tower Hamlets Borough
HH - Limehouse Police Station

Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ

Telephone: 0207 275 4911

Facsimile:

Email:

Alan.D.Cruickshank@met.pnn.police
.uk

www.met.police.uk

Your ref:

Our ref:

6 August 2014

Dear Mr McCrohan

Re: Application for a Premises Licence

129 Whitechapel High St, E1 7PT

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

LBTH has adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane

Area. This policy was adopted due to the concerns about the number of licensed

premises in such a small area and the resulting number of ASB calls and the potential for

disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

Whitechapel High St falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises.

There are a large number of off licences within the CIZ and the introduction of the CIZ was a response to the concerns of the easy availability of alcohol and the likelihood of increasing ASB. One further off licence, although with fairly reasonable hours, can only increase concerns about ASB.

This objection is not a reflection on the applicant but a response to the Saturation Policy. Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises however small or well run, will only compound the problems in the CIZ.

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the ‘Shoreditch Triangle’, which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours and these 16 hours are responsible for 21% of all the offences.

25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

The hours applied for falls i. to the above peak hours.

Further to this, two negative effects of the “Night Time Economy” are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards They both have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area?

One more off licence that sells alcohol will only add to concerns over crime and disorder and public nuisance. I therefore ask the committee to refuse this application.

Alan Cruickshank PC 189HT

Appendix 4

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music

- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 5

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 8.1 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 8.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.5**)

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.37).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.39)

Appendix 6

Crime and disorder on the premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 5.2. of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public safety.

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D).

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

Appendix 7

Crime and disorder from patrons leaving the premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D).

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

There is also guidance issued around the heading of “public nuisance as follows

The pool of conditions, adopted by the council is recommended (Annexe G).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.37)

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 8

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 9

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows

- Monday to Thursday 06:00 hours to 23:30 hours
- Friday and Saturday 06:00 hours to midnight
- Sunday 06:00 hours to 22:30 hours

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(see 12.8 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

(see 12.9 of the licensing policy)

Appendix 10

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

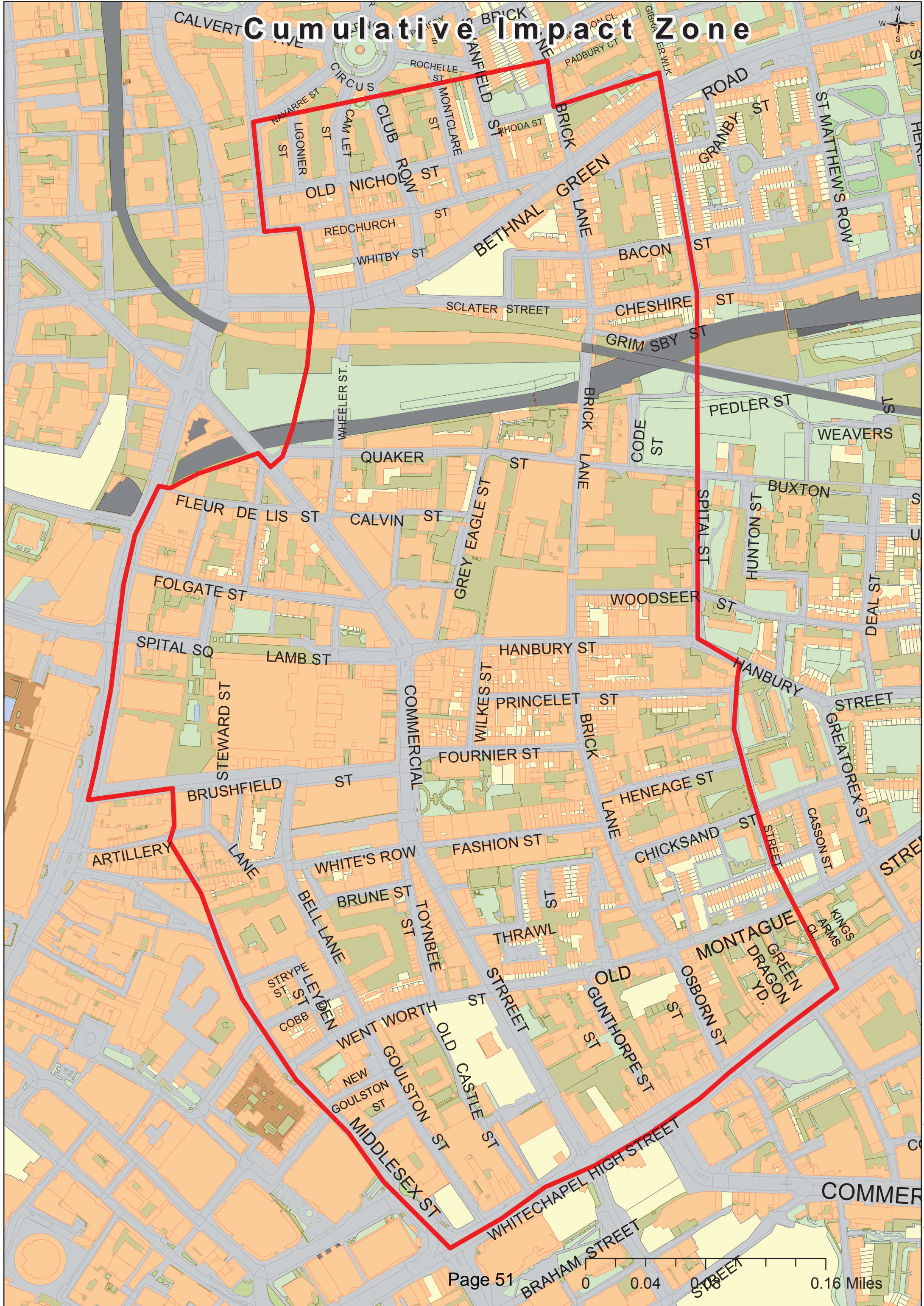
The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Drawn by: WJ, CLC Strategy & Performance, September 2012

Cumulative Impact Zone



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Agenda Item 4.2

Committee : Licensing Sub-Committee	Date: 2 nd September 2014	Classification: Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Consumer & Business Regulation Originating Officer: Kathy Driver Principal Licensing Officer	Title: Gambling Act 2005 Application for a new Premises Licence Paddy Power, 620 Roman Road, London E3 2RW Ward affected: Bow East
--	--

1.0 Summary

Applicant Name **Power Leisure Bookmakers Limited**

Address of Premises: **620 Roman Road
London
E3 2RW**

Licence sought: **New Premises Licence**

- **Betting**

Representations: **Representatives of local residents**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied
for register

If not supplied, name and
telephone number of holder

File Only

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a new premises licence for Paddy Power, 620 Roman Road, London E3 2RW
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The premises is three storey building with residential accommodation above. The premises is situated within Roman Road market.
- 3.4 A map showing the relevant premises is included as **Appendix 2**.

4.0 **Premises in the vicinity**

- 4.1 Corals, 617-619 Roman Road
William Hill, 568a Roman Road
Ladbroke, 550 Roman Road
Betfred, 458 Roman Road
Coral, 403 Roman Road
Adult Gaming Centre, 530-532 Roman Road

Overland Children Centre
Eastside Youth Centre, 6 Parnell Road
Old Ford Primary School, Wrights Road
Appian Court Sheltered Accommodation

5.0 **Licensing Policy for Gambling, and Gambling Commission advice.**

- 5.1 The Council has adopted a licensing policy in relation to gambling and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 18th September 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Gambling Commission has issued guidance to Licensing Authorities which will also be available at the hearing. It can also be viewed at www.gamblingcommission.gov.uk. Relevant Sections can be found within the licensing officer's report.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the commission's advice, or has developed it further.

6.0 Representations

6.1 This hearing is required by the Gambling Act 2005 because representations have been made by representatives of local residents.

6.2 The representations relate to:

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

6.3 Please see **Appendix 3** for the representation of Roman Road Town Team.

6.4 An interested party is defined as someone who:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b)

6.5 The application was required to be advertised in a local newspaper and by a poster at the premises.

6.6 The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

6.7 Members should note that moral objection to gambling is not relevant to the decision making process (See **Appendix 4**).

6.8 In addition, children are not permitted on an off-track betting premises (See **Appendix 10**). There are however, a number of other premises where they are permitted and they may witness gambling, the most obvious being shops that sell lottery and scratch card tickets.

6.9 There are time limits to any representations. These are contained in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

7.0 Licensing Officer Comments

7.1 The Licensing Section is also a responsible authority. The following is intended simply to advise Members of the relevant aspects of the Gambling commission's advice and the Borough Gambling Policy. Members may depart from the advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

- 7.2 The Committee can, if it feels minded to compose conditions on the premises licence. Paragraph 9.28 of the guidance states:
Licensing Authorities should not attach conditions that limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:
- in accordance with the Guidance, the Commissions Codes of practice or their own statement of licensing Policy
 - in a way that is reasonably consistent with the licensing objectives.
- Conditions must be proportionate to the circumstances they are seeking to address. In particular;
- relevant to the need to make the proposed building suitable as a gambling facility; directly related to the premises and type of licence applied for;
 - fairly and reasonably related to the scale and type of premises;
 - reasonable in all other respects.
- 7.3 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.
- section 169(4) prohibits an authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
 - section 172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
 - section 170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

7.4 Guidance issued to Licensing Authorities by the Gambling Commission

- Gambling Commission Advice on Moral Objections (**Appendix 4**)
- Gambling Commission advice on the Principles to be applied when considering applications (**Appendix 5**)
- Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime (**Appendix 6**)
- Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way (**Appendix 7**)
- Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling (**Appendix 8**)
- Gambling Commission Advice on Premises Licences (**Appendix 9**)

- Gambling Commission Advice on Betting Premises (**Appendix 10**) there are mandatory conditions which must apply to this application. There are also default conditions concerning hours, which will apply in this case as no dis-application has been made by the applicant.

7.5 The Gambling Policy of the London Borough of Tower Hamlets

- London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (**Appendix 11**)
- London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises (**Appendix 12**)

8.0 **Legal Comments**

8.1 The Council's legal officer will give advice at the hearing.

9.0 **Finance Comments**

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Representation of Roman Road Town Team.
- Appendix 4** Gambling Commission Advice on Moral Objections
- Appendix 5** Gambling Commission advice on the Principles to be applied when considering applications
- Appendix 6** Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime
- Appendix 7** Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way
- Appendix 8** Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Appendix 9** Gambling Commission Advice on Premises Licences
- Appendix 10** Gambling Commission Advice on Betting
- Appendix 11** London Borough of Tower Hamlets Gambling Policy
Definition of vulnerable person
- Appendix 12** London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises

Appendix 1

Application for a premises licence under the Gambling Act 2005 (standard form)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

- Regional Casino, Large Casino, Small Casino, Bingo, Adult Gaming Centre, Family Entertainment Centre, Betting (Track), Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – [delete as appropriate]):

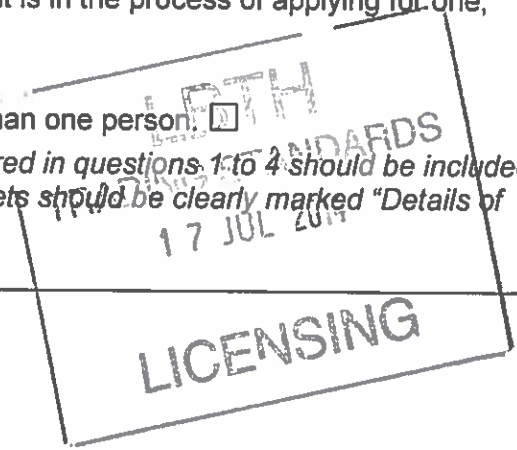
Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]



Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: **Power Leisure Bookmakers Ltd**

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

**Oneustonsq
40 Melton Street
London**

Postcode: **NW1 2FD**

8(a) The number of the applicant's operating licence (as given in the operating licence):

000-001034-N-103643-008

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made: **N/A**

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): **Paddy Power**

11. Address of the premises (or, if none, give a description of the premises and their location):

**620 Roman Road
London
Postcode: E3 2RW**

12. Telephone number at premises (if known): **N/A**

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Three storey building with residential accommodation above, market street location

14(a) Are the premises situated in more than one licensing authority area? **No**

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made: N/A**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **No**

[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates: **N/A**

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? **No**

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?
Yes [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

269 Whitechapel Road	London	E1 1BY	14573
----------------------	--------	--------	-------

20. Please set out any other matters which you consider to be relevant to your application:
None

Part 6 – Declarations and Checklist (Please tick)

We confirm that, to the best of our knowledge, the information contained in this application is true. We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- We understand that if the above requirements are not complied with the application may be rejected
- We understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: Poppleston Allen

Date: 17 July 2014

Capacity: Solicitors for & on behalf of the applicant

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name: _____

Date: _____

Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Richard Bradley

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

0115 948 7424

24. Postal address for correspondence associated with this application:

Richard Bradley

Poppleston Allen

37 Stoney Street

The Lace Market

Nottingham

Postcode: NG1 1LS

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

r.bradley@popall.co.uk

NOTICE OF APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that **Power Leisure Bookmakers Limited**

of the following address –
**Oneustonsq
40 Melton Street
London**

Postcode **NW1 2FD**

the number of whose operating licence is **000-001034-N-103643-008**

who applied for an operating licence on **N/A**

has made an application for a **Betting (Other) Premises Licence**

The application relates to the following premises

**Paddy Power
620 Roman Road
London
E3 2RW**

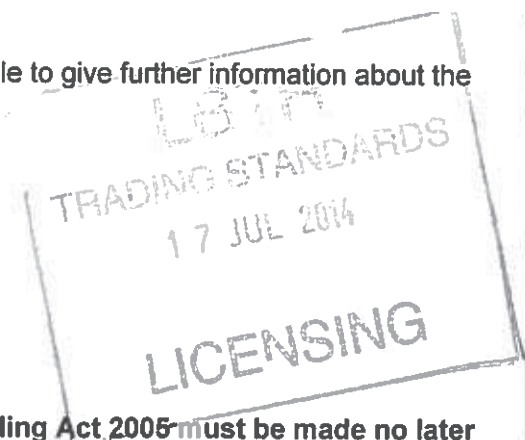
The application for a premises licence has been made to the following licensing authority:

**Licensing Department
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
E14 1BY
Website: www.towerhamlets.gov.uk**

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

**Richard Bradley
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS
0115 948 7424
r.bradley@popall.co.uk**



Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date 14th August 2014

Gambling Act 2005

THE OBJECTIVES UNDER THE ACT ARE :

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

Gambling Act 2005

Objective 1

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

- We have adopted and complied with the guidelines produced by the Association of British Bookmakers (ABB) in relation to the Proceeds of Crime Act 2002 (POCA) .
- If we suspect anyone of using our premises for the furtherance of criminal activity (for instance drug dealing, using counterfeit money, selling suspected stolen property and criminal damage) we will contact the police immediately, report to our UK Head of Security and record the instance in the shop log.
- We exercise considerable caution when approached by a customer unknown to us who wants to place a significant bet.
- We at Paddy Power are also aware of the need to notify the Gambling Commission should we suspect anyone, including are own staff, of committing an offence under the Act.
- All of our shops have digital CCTV installed. We have upgraded all of our existing shops to a remote system (completed end 2009) with virtually every area of the customer area supervised.
- We have a full time Head of Security / Money Laundering Officer heading a security team monitoring staff / customer activity.

Gambling Act 2005

Objective 2

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

- A copy of our current betting rules is prominently displayed in each of our offices.
- We encourage shop teams / district managers to use positive discretion to resolve customer issues at a local level – we are very proud of the fact that very few issues are escalated beyond this stage.
- Where a customer dispute cannot be resolved satisfactorily we encourage reference to IBAS.
- We will always abide by any decision made by IBAS.
- Our shop staff receive ongoing / refresher training which we believe to be essential in ensuring that any possible issues are addressed at bet acceptance stage.

Gambling Act 2005

Objective 3

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

- All our staff receive ongoing extensive training on social responsibility.
- The protection of the vulnerable is at the heart of all new employees' induction training regardless of whether they are experienced or not
- Under 18 notices are prominently displayed in each of our offices.
- All staff will require sight of a photographic form of identity if they suspect a customer to be under age – all such instances are recorded in the shop log.
- We prominently display leaflets and posters giving information on Gamcare services together with contact details.
- We operate a self exclusion policy whereby customers complete an exclusion form together with a recent photograph – details are circulated to all nearby Paddy Power offices.
- We regularly donate to The Responsibility in Gambling Trust (RIGT).
- Our shops are designed, wherever possible, to allow direct supervision by staff of the FOBT terminals. FOBTs are monitored by CCTV.

I, Richard Bradley in the firm of Messrs. Poppleston Allen, Solicitors of 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS refer to the following:-

1. Letter to London Borough of Tower Hamlets dated 17th July 2014
2. Application form
3. Notice of application
4. Two copies of the plan of the proposed premises: Drawing Number 13674-04.
5. One copy of the plan of the proposed premises Drawing Number 13674-05 for illustrative purposes only
6. Copy of the Licensing Objectives and how Paddy Power approaches the same
7. Cheque in the sum of £3000

I FURTHER CERTIFY that I have served documents 1 – 7 upon the following:-

1. Licensing Department,
London Borough of Tower Hamlets,
Mulberry Place (AH),
PO Box 55739,
5 Clove Crescent,
E14 2BG

I FURTHER CERTIFY that I have served a true copy of documents 1 & 3 upon the following:-

2. Metropolitan Police Service, Licensing Unit, Limehouse Police Station, 27 West India Dock Road, London, E14 8EZ
3. HM Revenue and Customs, NRU (Betting and Gaming), Portcullis House, 21 India Street, Glasgow, G2 4PZ
4. London Fire Brigade Authority, Fire Safety Regulation : North East Area 2, London Fire Brigade, 169 Union Street, London , SE1 0LL
5. The Gambling Commission, 4th Floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP
6. Child Protection Department, CPRS Unit, 2nd Floor, Mulberry Place, 5 Clove Crescent, London, E14 2BG
7. Planning Department, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London, E14 2BG
8. Environmental Protection, London Borough of Tower Hamlets, Administration Team, Mulberry Place (AH), PO BOX 55739, 5 Clove Street, E14 2BG

I effected service by sending the said documents to the Licensing Department by Special Delivery and the other authorities by first class post addressed to them on 17 July 2014.

SIGNED .....

DATED:17/7/14.....

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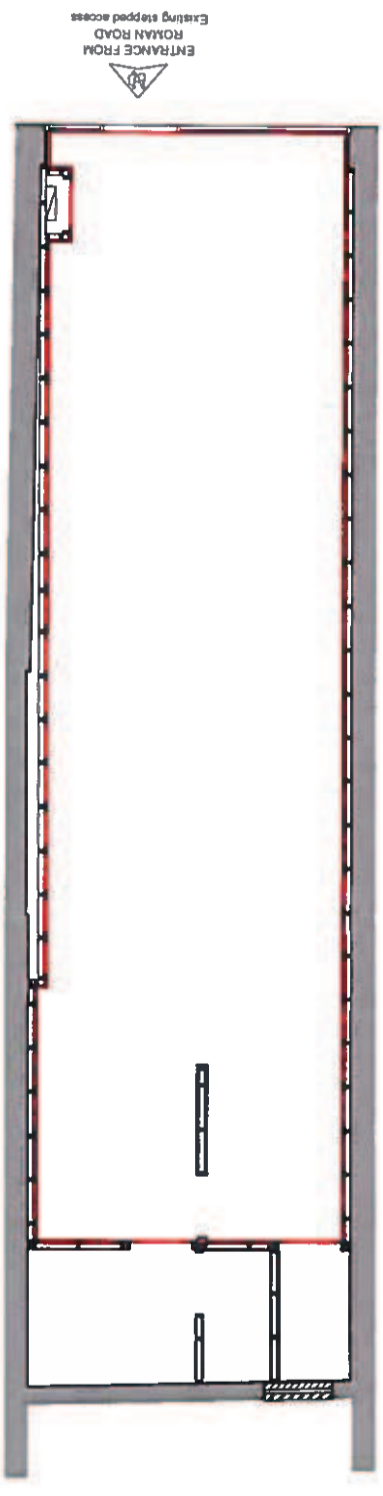


Paddy Power plc

- Line indicates approximate boundary lines
- Line indicates hidden or high level elements
- Hatching indicates new brick walls/foundations
- Hatching indicates new 75 block work walls/fills
- Hatching indicates new 3.5M block work walls/fills
- Hatching indicates new brick work walls/fills
- Hatching indicates new foundations

Hatching indicates existing walls, floors, ceilings, etc.
 are void construction, all other walls, floors, ceilings,
 etc. appear to be timber or metal. Further reference on
 site investigation required following step out process

LBTH
 TRADING STANDARDS
 17 JUL 2014
LICENSING



LICENCE PLAN
 SCALE 1:50

The area within the 'red' line is the location and extent of the premises which will be used to provide facilities for gambling



SITE LOCATION PLAN
 SCALE 1:1250

Rev.	Amendment	Date



Client	PADDY POWER PLC
Project	NEW BOOKMAKERS 620 ROMAN ROAD LONDON, E3 2RW
TLP	LICENCE PLAN

Drawn by	AG	Date	07-03-14
Checked by	DO		
Scale @ A1	1:50/1250	Dwg. No.	13874/04

Brookway House, 74-78 Broadway,
 Leigh-on-Sea, Essex, SS8 1AE
 Tel: 01702 714877
 Fax: 01702 471745

8 Atlantic Square, Station Road,
 Wivenhoe, Essex, CM8 2TL
 Tel: 01378 519517
 Fax: 01378 519540

RICS

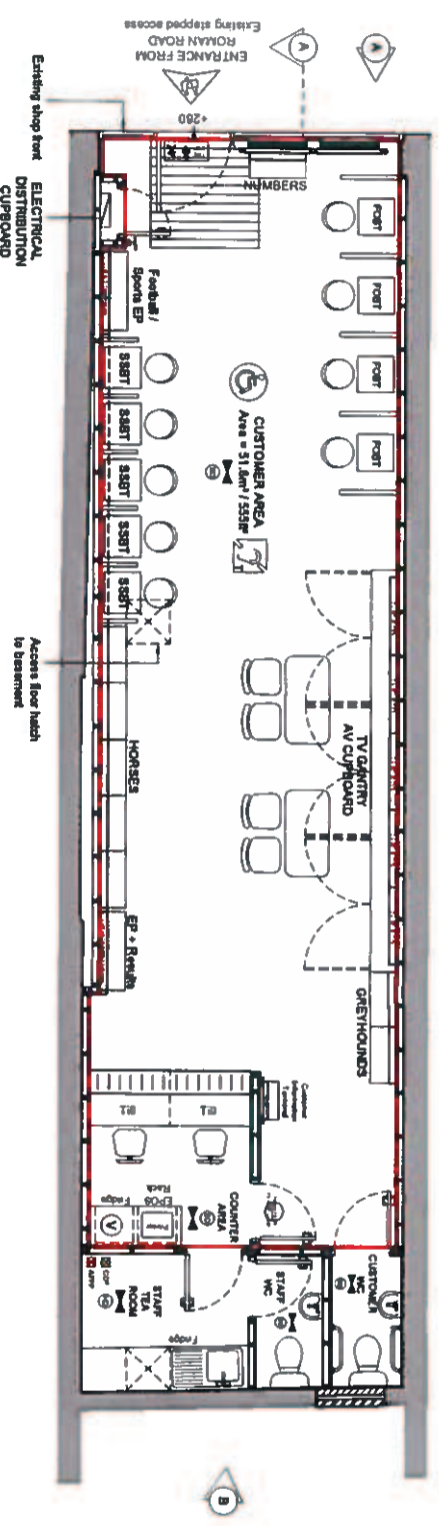
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ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH CONVENTIONAL STRUCTURAL DRAWINGS AND ELECTRICAL CONVENTIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND DIMENSIONS PLUS ANY ACCUMULATED PRODUCT TOLERANCE, ACCEPTED DETAIL ETC.



Paddy Power plc

- Line indicates approximate boundary line
- Line indicates hidden or high level elements
- Hatching indicates new timber wall/partitions
- Hatching indicates new 75mm block wall
- Hatching indicates new 2.5m block work walls
- Hatching indicates new brick work walls
- Hatching indicates new insulation
- Hatching indicates existing walls, floors, ceiling, etc. to be retained, all other walls, floors, ceiling, etc. to be removed



Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the licence

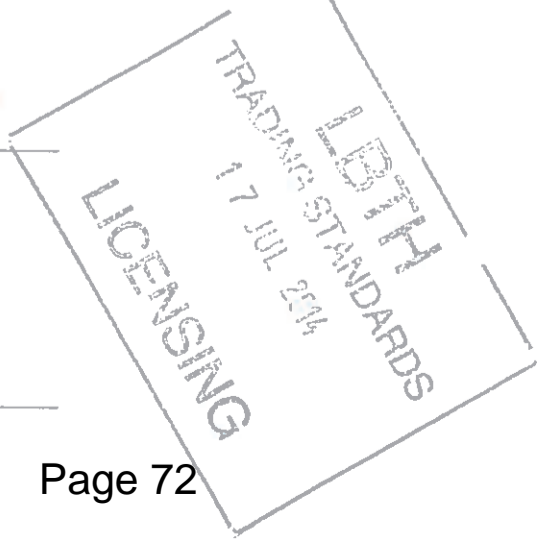
SCALE 1:50

SYMBOL	DESCRIPTION
(Symbol)	EXISTING SHOP FRONT
(Symbol)	EXISTING ENTRANCE FROM ROMAN ROAD
(Symbol)	EXISTING STEPPED ACCESS
(Symbol)	EXISTING ELECTRICAL DISTRIBUTION CUPBOARD
(Symbol)	EXISTING HORSES
(Symbol)	EXISTING EP + STABLES
(Symbol)	EXISTING TOILETS
(Symbol)	EXISTING COMPUTER AREA
(Symbol)	EXISTING STAFF WC
(Symbol)	EXISTING TV/GAMING AV CUPBOARD
(Symbol)	EXISTING GREYHOUNDS
(Symbol)	EXISTING CUSTOMER AREA



SCALE 1:1250

- MINIMUM SECURITY PROVISIONS**
- CCTV
 - DIGITAL COLOUR SYSTEM WITH SUFFICIENT NUMBER OF CAMERAS TO COVER ALL AREAS AND INCLUDING COVER FRONT DOOR CAMERA
 - IMAGES RECORDED AND KEPT FOR A MINIMUM OF 31 DAYS
 - IMAGES ARE ACCESSIBLE CENTRALLY FOR IMMEDIATE DOWNLOAD DURING OFFICE HOURS AND AVAILABLE TO THE POLICE UPON REQUEST
 - SAFE WITH TIME DELAY INSERT
 - CENTRAL STATION MONITORED PREMISES ALARM SYSTEM INCORPORATING SILENT STAFF-ACTIVATED PANE BUTTONS
 - ELECTRONICALLY CONTROLLED ACCESS TO PUBLIC TOILETS



Client: PADDY POWER PLC

Project: NEW BOOKMAKERS
620 ROMAN ROAD
LONDON, E32RW

TLP:

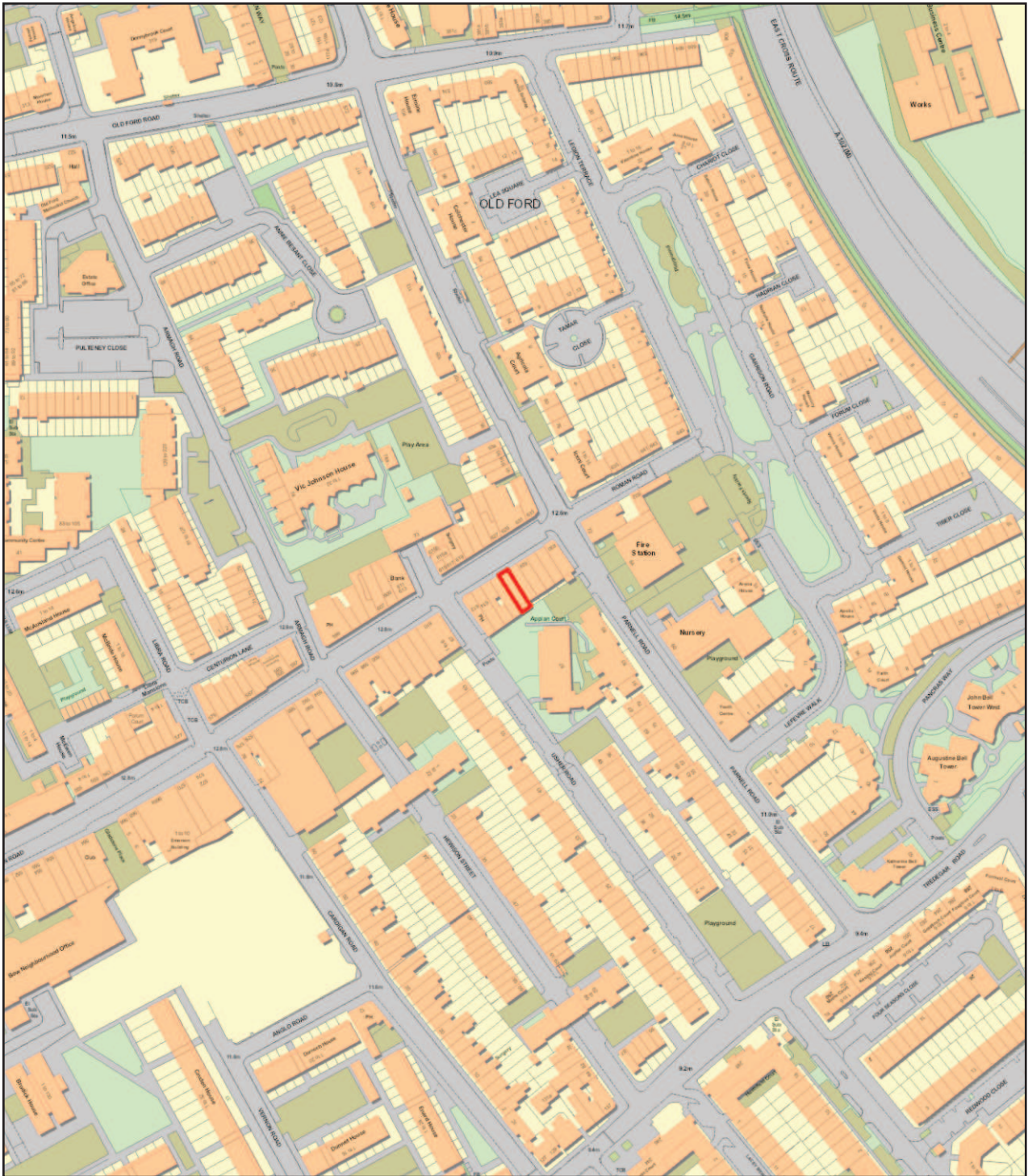
PLAN FOR ILLUSTRATIVE PURPOSES ONLY

Drawn by: AG Date: 07-03-14
Checked by: DO
Scale @ A1: 1:50/1:250 Dwg. No.: 13674-05

Broadway House, 71-73 Broadway,
Leigh-on-Sea, Essex, S39 7AE
Tel: 01702 714877
Fax: 01702 471745

9 Atlantic Square, Station Road,
Waltham Cross, Essex, M16 2TL
Tel: 01702 618517
Fax: 01706 519540

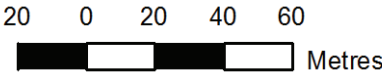
Appendix 2



620 Roman Road



Scale 1:2690



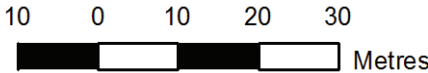
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620 Roman Road



Scale 1:1153



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Appendix 3

RORP

ROMAN ROAD LONDON

TOWN TEAM

Roman Road Town Team

Licensing Department
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 1BY
licensing@towerhamlets.gov.uk

13 August 2014

We are writing to OBJECT to the application for a betting premises licence at 620 Roman Road.

The Roman Road Town Team is a community group representing the local residents and businesses of Roman Road, Roman Road Market and Bow. We are a non-profit Community Interest Group (CIG) made up of volunteers united in the same vision to encourage a thriving high street on Roman Road, E3.

We would like to object to the application predominantly on the grounds that it is not likely to meet the licensing objective of protecting children and other vulnerable people from being harmed or exploited by gambling, but also because we are concerned it may not meet the licensing objective of preventing gambling being a source of crime and disorder.

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

We note that the Licensing Authority's Statement of Gambling Policy (adopted in November 2013) says:

3.2 It is the licensing authorities' view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. However any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

We would point out that 620 Roman Road is extremely close to two such educational establishments, namely Overland Children's Centre, 60 Parnell Road (341ft/104m away), and Eastside Youth Centre, 6 Parnell Road (466ft/142m away). Its proximity to Eastside Youth Centre, which attracts teenagers from across the area (most of whom would travel along Roman Road, past the proposed betting shop at 620 Roman Road) would be particularly problematic, given the age and consequent vulnerability of its users.

RORP

ROMAN ROAD LONDON

TOWN TEAM

Bow Haven, a user-led Mental Health Centre is also situated on William Place, Roman Road – 0.2 miles/321 metres from 620 Roman Road – attracting 100 users with a range of mental health issues, including compulsive behaviours. The proximity of a betting shop to the centre would put at risk its vulnerable users.

We also note that the Roman Road East district centre already has five existing betting shops (Coral on the corner of Usher Road, William Hill near Cardigan Road, Ladbrokes by Ewart Place, Betfred by Dane Place, and a second Coral by Ellesmere Road). We believe that this is more than can reasonably be supported by the small catchment area of the Roman Road East district centre (essentially the two wards of Bow East and Bow West) and that a sixth betting shop could result in a level of competition that may result in children or vulnerable people being drawn into gambling.

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

We note that the Licensing Authority's Statement of Gambling Policy says:

5.2 The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

We would point out that this end of Roman Road has a long-acknowledged problem with gang crime, particularly by the Bow Bloodshedders. An 18-year old was fatally stabbed and a 17 year-old seriously wounded on Parnell Road in gang-related violence in 2010. This known level of organised gang-crime in the immediately vicinity of 620 Roman Road makes it possible that the crime and anti-social behaviour objective will not be upheld.

As a result of all of these factors, the Roman Road Town Team **OBJECTS** to this application and asks that the Licensing Authority **REFUSES** it.

Yours faithfully

The Roman Road Town Team

Appendix 4

Gambling Commission Advice on Moral Objections

5.28 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. 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.

This is because 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).

Appendix 5

Gambling Commission advice on the Principles to be applied when considering applications

Part 5: Principles to be applied by licensing authorities in Exercising their Functions

- 5.1** In exercising most of their functions under the 2005 Act, licensing authorities must have regard to the licensing objectives set out in section 1 of the Act. In particular, licensing authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits. Those objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.2** In considering applications, licensing authorities in England and Wales should take particular care to bear in mind that these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.
- 5.3** Similarly in Scotland the licensing objectives for the Licensing (Scotland) Act 2005 are different. In particular the Gambling Act does not include the objectives of preventing public nuisance and protecting and improving public health.
- 5.4** Section 153 of the Act provides that in exercising its functions under Part 8 of the Act (premises licensing and provisional statements), a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:
- (a) in accordance with any relevant code of practice under section 24 (i.e. such as that found within the Commission's *Licence Conditions and Codes of Practice* (LCCP))
 - (b) in accordance with any relevant guidance issued by the Commission under section 25 (ie this document)
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
 - (d) in accordance with the Licensing Authority Statement of Policy (subject to (a) and (c) above). (See part 6 of this Guidance.)
- 5.5** Section 153 applies not only to a licensing authority's relevant functions under Part 8 of the Act (ie applications for the grant, transfer, reinstatement or review of premises licences and provisional statements) but also when it is deciding whether to give a counter notice on receipt of a temporary use notice. Its effect is that, whilst in such circumstances there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with the guidance contained in this document, any relevant Commission code of practice and its own statement of licensing policy as well as reasonably consistent with the licensing objectives. In reaching a view that the grant of a licence, or the giving of the temporary use notice, is in accordance with such guidance, code of practice or policy statement, a licensing authority is, in common with all such public authority decision makers, under a duty to act fairly and rationally. In cases where an authority is concerned whether a grant would be in accordance with, for example, the guidance in this document, this can be resolved by the imposition of appropriate licence conditions. In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or this Guidance and its own policy statement or view as to the application of the licensing objectives the structure of section 153 makes it plain that the Commission's codes and Guidance take precedence.

- 5.6** Section 153 also makes it clear that in deciding whether or not to grant a licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.
- 5.7** The requirements in section 153 are subject to the licensing authority's power (under section 166) to resolve not to issue casino premises licences. This means that a resolution not to issue a casino premises licence applies regardless of the matters set out in section 153.
- 5.8** It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.

Appendix 6

Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime

- 5.9** The Commission play a leading role in preventing gambling from being a source of crime. It will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities. The Act provides the Commission with powers to investigate the suitability of applicants for operating and personal licences, and others relevant to the application. This will provide the Commission with the power to make enquiries about and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the Commission will, in particular, take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.
- 5.10** As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.
- 5.11** Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.
- 5.12** A licensing authority will need to consider questions raised by the location of gambling premises when:
- formulating its Licensing Authority Statement of Policy
 - receiving relevant representations to an application
 - dealing with applications as a responsible authority in its own right
 - considering applications before it.
- 5.13** Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Although if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)
- 5.14** Local authorities are experienced in making judgements in relation to the suitability of premises, particularly those for which they have responsibilities under the Licensing Act 2003, in which context they have wider powers to also take into account measures to prevent nuisance.
- 5.15** In relation to preventing disorder, licensing authorities have the ability under section 169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in section 178 of the Act. If a person employed on door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence. Further information on conditions can be found in part 9 of this Guidance.

5.16 Local authorities should note that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.

Appendix 7

Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way

- 5.17** The Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry
 - easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted
 - the rules are fair
 - advertising is not misleading
 - the results of events and competitions on which commercial gambling takes place are made public
 - machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.
- 5.18** Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. (However, if licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.)
- 5.19** In relation to the licensing of tracks the licensing authority's role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Please see part 20 of this Guidance for more information.

Appendix 8

Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling

- 5.20** With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to protecting children from being 'harmed or exploited by gambling'. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.
- 5.21** In relation to casinos, the Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by section 176 of the Act. The code of practice is available as part of the *Licence Conditions and Codes of Practice (LCCP)* on the Commission website¹. In accordance with that section, adherence to the code will be a condition of the premises licence. (Please see part 9 of this Guidance for more information.)
- 5.22** The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.
- 5.23** Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

Appendix 9

Gambling Commission Advice on Premises Licences

- 7.1** Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.
- 7.2** Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.
- 7.3** The Act contains no rules about cases where premises lie within more than one authority's area. Such cases are likely to be rare. The Commission would expect an applicant to apply to the licensing authority in whose area the greater or greatest part of the premises is situated. If another authority receives an application it should discuss with the applicant and the neighbouring authority as to which is the appropriate authority. Ultimately, there is nothing in the Act giving an authority the right to turn down an application because it is responsible for a smaller area of the premises than another authority. However, in such circumstances, the other authority will be a 'responsible authority' in relation to the premises (see part 8 of this guidance), and will be able to give a view on the application through these channels. Note, this is not the same as the Licensing Act where an application must be made to the authority in which the greater part of the premises is situated.
- 7.4** Where the premises are located in two or more areas (equally or otherwise), ultimately the applicant may choose which licensing authority to apply to. In the rare cases where such premises exist, it will be important that the licensing authorities concerned maintain close contact about the grant of the premises licence, and subsequent compliance (including inspection powers) and other licensing functions. The licensing authority to which the premises licence application was made will have jurisdiction and the other(s) will need to pass relevant information about the premises to it.

Primary gambling activity

- 7.5** In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- (a) casino premises
 - (b) bingo premises
 - (c) betting premises, including tracks and premises used by betting intermediaries
 - (d) adult gaming centre premises (for category B3, B4, C and D machines)
 - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).
- 7.6** By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not 2005 Act casinos) and betting premises licences. The latest issue of the *Licence Conditions and Codes of Practice* sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

- 7.7** From time to time, the Commission publishes advice notes which whilst they are not legally binding are designed to assist in the understanding of matters such as primary gambling activity. These are updated in light of experience and innovation. Reference to them may assist licensing authorities in establishing compliance with primary gambling activity requirements.
- 7.8** Please see part 16 of this Guidance for more information about gaming machine categories.

Meaning of premises

- 7.13** In the Act, 'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But, 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.
- 7.14** In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
- 7.15** We recognise that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence with, for example, the machine entitlements that brings and are not an artificially created part of what is readily identifiable as a single premises.
- 7.16** The Act sets out that the type and number of higher stake gaming machines allowable in premises is restricted according to the type of premises licence or permit granted. For example, a converted casino licence allows for 20 gaming machines in categories B, C or D. With the exception of AGCs and FECs, premises are not permitted to be used exclusively for making available gaming machines, but rather to provide the gaming facilities corresponding to the premises licence type. The licence Conditions and Codes of Practice (LCCP), sets out in full the requirements on operators. The latest version of the LCCP can be found on the Commission's website.
- 7.17** With the exception of bingo clubs, tracks on race-days and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
- 7.18** Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or loosely observe gambling where they are prohibited from participating.
- 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.

7.19 In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case, these 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?

7.20 Where more than one premises licence is permitted within a building the gaming machine entitlement for the separately licensed premises may not be aggregated and no more than the permitted number and category of machines for the relevant type of premises may be placed in any one of the individual sets of premises within the building.

7.21 The proper application of section 152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

Division of premises and access between premises

7.22 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. For casinos, bearing in mind the wide definition of a street, access might be from a foyer or other area which the public might enter for purposes other than gambling. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available. Licensing authorities should, in particular, remember that where they have concerns about the use of premises for gambling, these may be addressed through licence conditions.

7.23 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations² 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 family entertainment centres, tracks, pubs and some bingo clubs. So access is allowed between these types of premises.

- 7.24** 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, for example, to casinos from hotel foyers.
- 7.25** There is no definition of 'direct access' in the Act or regulations. However, it could be said 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 shown to be no direct access.
- 7.26** The relevant access provisions for each premises type is as follows:
- Casinos**
- the principal entrance to the premises must be from a street (as defined above)
 - no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
 - no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
- Adult gaming centres**
- no customer must be able to access the premises directly from any other licensed gambling premises.
- Betting shops**
- access must be from a street (as defined above) or from other premises with a betting premises licence
 - no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
- Tracks**
- no customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre.
- Bingo premises**
- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.
- Family entertainment centres**
- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.

Management of areas where category B and C gaming machines are located in premises that admit children and young people

7.27 According to mandatory and default conditions relating to premises that admit under 18s, any area where category B and C gaming machines are located must be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised (see below) at all times to ensure that under-18s do not enter the area
- arranged in a way that ensures that all parts of the area can be observed
- supervised either by:
 - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas.

A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.

7.28 There are a range of other conditions which attach to each type of premises. These are not covered in this section, but are set out in part 9 and the parts of this document relating to each type of premises.

Appendix 10

Gambling Commission Advice on Betting Premises

Part 19: Betting premises

- 19.1** The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing. This part of the Guidance discusses off-course betting, that is, betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are discussed in part 20 of this Guidance. Please note that there are also betting offices on tracks, that have a separate premises licence from the track licence. Those are also discussed in part 20 of this Guidance.
- 19.2** The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- 19.3** Under the Gambling Act, licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in part 7 of this Guidance.

Protection of children and young persons

- 19.4** Children and young persons are not able to enter premises with a betting premises licence, although exemptions apply to tracks, as explained in part 20 of this Guidance. Children and young persons are not allowed to be employed at premises with a betting premises licence..

Betting premises licence conditions

- 19.5** Part 9 of this Guidance discusses the conditions that may or may not be attached to premises licences, and those that are attached automatically. The Secretary of State and Scottish Ministers have set out in regulations the conditions relating specifically to betting premises. The paragraphs below discuss these conditions, both mandatory – those that must be attached to betting premises; and default – those that will apply unless the licensing authority chooses to exclude them using its powers under section 169.

Mandatory conditions attaching to betting premises licences

- 19.6** A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- 19.7** There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).

- 19.8** Any automated telling machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- 19.9** No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
- information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
 - information relating to betting (including results) on any event in connection with which bets may have been effected on the premises.

Betting operator-owned TV channels are permitted.

- 19.10** No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within paragraph 19.9 or machines which do not come within the categories of machine explicitly allowed in betting premises under section 172(8) of the Act.
- 19.11** The consumption of alcohol on the premises is prohibited.
- 19.12** The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- 19.13** A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

Default conditions attaching to betting premises licences

- 19.14** Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

Gaming machines

- 19.15** Section 172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines. See part 16 of this Guidance for information on gaming machines.

Betting machines (bet receipt terminals)

- 19.16** Section 235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These 'betting machines' are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely automate the process that can be conducted in person and therefore do not require regulation as a gaming machine.
- 19.17** However, where a machine is made available to take bets on virtual races (that is, images generated by computer to resemble races or other events) that machine is a gaming

machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

19.18 Section 181 contains an express power for licensing authorities to restrict the number of

betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

Primary Gambling Activity

- 19.19** It is not permissible for an operator to offer gaming machines on a premises which is licensed for betting but not to offer sufficient facilities for betting. A betting operating licence authorises its holder to ‘provide facilities for betting’ (section 65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for ‘the provision of facilities for betting...’ (section 150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (section 172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.
- 19.20** In the Commission’s view it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Thus, whilst the Commission recognises that betting premises are permitted to offer gaming machines, including B2 gaming machines, the Commission considers that betting should be the primary element of the gambling facilities being offered to customers in such premises. Betting may be provided by way of betting terminals or over a counter (face to face).
- 19.21** Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.
- 19.22** The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators in licence condition 16 and code of practice provision 8.
- 19.23** Should a licensing authority receive an application to vary a premises licence for betting in order to extend the opening hours, the authority should satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is an ancillary to the primary activity of the premises, namely betting..

Appendix 11

London Borough of Tower Hamlets Gambling Policy

Definition of vulnerable person (5.6)

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Appendix 12

London Borough of Tower Hamlets Gambling Policy

12 Betting Premises

12.1 Betting Machines - This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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Gambling Act 2005 - Order of Proceedings

The Sub Committee may be asked to consider whether representations made are valid, frivolous or vexatious and will adjudicate accordingly.

If it is considered that there are valid representations, the Licensing Officer will present the report.

The Applicant or their representative will then present their case and, with permission call witnesses and will also if appropriate respond to the objections raised as well as raising any issues relating to the validity of the representations.

The Sub Committee will receive the representations from the interested parties and/or Responsible Authorities who may:

- present their objections to the Sub Committee and, with permission, call witnesses

With the permission of the Chair, any party including the Applicant may, via a Member of the Sub Committee, ask questions or seek clarification of the other parties present once they have addressed the Sub Committee.

The Sub Committee will have the opportunity to raise questions or seek clarification with all parties, throughout the proceedings

(N.B. Although no specific time limit is applied to each individual objection the Sub Committee will look not to hear repetitive objections. In addition, if necessary the Chair may apply time limits.)

The Sub Committee will retire to consider the evidence presented to them both orally and in writing following which the meeting will reconvene and the Chair will report the decision of the Sub Committee

Note: The Sub Committee may adjourn proceedings at any time and retire to consider any matters relating to the application.

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