

Licensing Committee

Agenda

**Monday, 26 September 2022 at 6.30 p.m.
The Council Chamber, 1st Floor, Town Hall,
Mulberry Place, 5 Clove Crescent, London, E14
2BG**

Chair: Councillor Kamrul Hussain

Members:

Councillor Faroque Ahmed, Councillor Leelu Ahmed, Councillor Saied Ahmed, Councillor Suluk Ahmed, Councillor Sabina Akhtar, Councillor Asma Begum, Councillor Gulam Kibria Choudhury, Councillor Peter Golds, Councillor Kabir Hussain, Councillor Shubo Hussain, Councillor Ahmodul Kabir, Councillor Amin Rahman, Councillor Rebaka Sultana and Councillor Abdul Wahid

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

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<http://www.towerhamlets.gov.uk/committee>



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A Guide to Licensing Committee

The Licensing Committee will determine Licensing policy/procedure (excluding the Council's Statement of Policy) as well as Licensing fees and charges.

The Committee will also establish a Licensing Sub-Committee to consider Licensing matters under the Licensing 2003 Act where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets

Licensing Committee

Monday, 26 September 2022

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 9 - 22)

To confirm the minutes of the meeting of the Licensing Committee held on 31st May and 14th July 2022 as an accurate record of the proceedings.

3. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES (PAGES 23 - 28)

To note the rules of procedure relating to determinations of licenses for sexual entertainment venues.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Sexual Entertainment Venue Licence for Club Oops, 30 Alie Street, London, E1 8DA (Pages 29 - 148)

4.2 Gambling Policy 2022 - 2025 (Pages 149 - 310)



Next Meeting of the Licensing Committee

Tuesday, 4 October 2022 at 6.30 p.m. to be held in The Council Chamber, 1st Floor,
Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



The best of London in one borough

Tower Hamlets Council

Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 31 MAY 2022

**COMMITTEE ROOM 1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present in Person:

Councillor Kamrul Hussain (Chair)
Councillor Leelu Ahmed
Councillor Saied Ahmed
Councillor Suluk Ahmed
Councillor Sabina Akhtar
Councillor Gulam Kibria
Choudhury
Councillor Peter Golds
Councillor Kabir Hussain
Councillor Amin Rahman
Councillor Rebaka Sultana

Members In Attendance Virtually:

Councillor Asma Begum
Councillor Shubo Hussain
Councillor Ahmodul Kabir

Other Councillors Present in Person:

Councillor Maium Talukdar (Deputy Mayor and Cabinet Member for Education and Lifelong Learning (Statutory Deputy Mayor))

Apologies:

Councillor Faroque Ahmed
Councillor Abdul Wahid

Officers Present in Person:

Agnes Adrien (Head of Litigation, Legal Services)
Ibrahim Hussain Licensing Officer
Tom Lewis (Team Leader - Licensing Services)
David Tolley (Head of Environmental Health and Trading Standards)
Simmi Yesmin (Democratic Services Officer, Committees, Governance)

1. ELECTION OF VICE-CHAIR

The Chair, asked for nominations for the position of Vice-Chair of the Licensing Committee for the municipal year 2022/2023.

The Chair proposed Councillor Peter Golds for the position. This was seconded by Councillor Amin Rahman and Councillor Sabina Akthar.

There were no further nominations.

The Licensing Committee;

Resolved

That Councillor Peter Golds is elected as Vice-Chair of the Licensing Committee for the municipal year 2022-2023.

2. DECLARATIONS OF INTEREST

There were no declarations of disclosable pecuniary interest.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Committee held on 15th March 2022 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Committee, Terms of Reference, Membership, and Quorum

Simmi Yesmin, Democratic Services Officer, introduced the report and stated that this report set out the Terms of Reference, Membership and Quorum of the Licensing Committee and the schedule of dates for the Municipal Year 2022/2023.

The Licensing Committee;

Resolved

1. That the Terms of Reference, Membership and Quorum as set out in Appendices 1 of the report be noted.

4.2 Establishment of Licensing Sub Committees, Terms of Reference & Meeting Dates

Simmi Yesmin, Democratic Services Officer introduced the report and stated that the report set out the Terms of Reference and meeting dates for the Licensing Sub-Committee for the Municipal Year 2022/2023.

Ms Yesmin stated the report was seeking to determine the number of Licensing Sub-Committee chairs and asked members to either nominate themselves or others for the position.

The following Members were put forward to be Chairs for the Licensing Sub-Committees:

- Councillor Kamrul Hussain
- Councillor Peter Golds
- Councillor Sabina Akhtar
- Councillor Suluk Ahmed
- Councillor Rebaka Sultana
- Councillor Said Ahmed
- Councillor Leelu Ahmed
- Councillor Shubo Hussain

The Licensing Committee;

Resolved

1. That Licensing Sub-Committee's Terms of Reference and Schedule of meetings attached as Appendix 1 to the report be noted.
2. The establishment of Licensing Sub-Committees to determine applications where representations have been made was agreed.
3. Agreed to appoint eight Licensing Sub-Committee Chairs.

4.3 Late Night Levy: Annual Review

Mr Tom Lewis, Team Leader of Licensing and Safety introduced the annual report for 2021/22 of the income received, and the expenditure and initiatives funded by the late night levy. He explained that the levy charge was set by Central Government and was based on the rateable value of the premises. It was noted that most premises in Tower Hamlets were rated as band B or C (£768/ £1259).

Mr Lewis highlighted the total income received by the levy in Year 4 (2021/22) which was £299,904.17 and detailed the committed and actual spend in Year 4 of £251,233.73 leaving an estimated surplus of £48,670.44 from year 4. It was also noted that the surplus from year 3 and year 4 estimated as surplus of £500,4448.45 into year 5.

The effects of the pandemic were noted, which meant that certain initiatives were reduced or stopped during parts of 2021/22. These included Street Pastors, Portable Toilets, Additional Street Cleaning, and the Conflict Awareness Training. However, due to the surplus this year there would be an increased roll out of the initiative for Additional Police Serials between June to 1st January, these are a unit of six PC and one PS operating 3 days per week in the summer and 2 days per week in the Autumn. It was also noted that having benchmarked with other London boroughs, officers would be exploring other possible initiatives that could be considered such as alcohol-free campaign, radio linked scheme for late night venues and additional safety campaigns and training. Mr Lewis then briefly explained the levy initiatives roles and outcomes as detailed in the report.

Members welcomed the report.

The Licensing Committee;

Resolved

1. The work achieved via the levy revenue, the income received, and the expenditure was noted.

The meeting ended at 7.15 p.m.

Chair, Councillor Kamrul Hussain
Licensing Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.00 P.M. ON THURSDAY, 14 JULY 2022

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Kamrul Hussain (Chair)

Councillor Faroque Ahmed
Councillor Leelu Ahmed
Councillor Suluk Ahmed
Councillor Sabina Akhtar
Councillor Gulam Kibria Choudhury
Councillor Peter Golds
Councillor Shubo Hussain
Councillor Amin Rahman
Councillor Rebaka Sultana
Councillor Abdul Wahid

Apologies

Councillor Saied Ahmed
Councillor Asma Begum
Councillor Kabir Hussain
Councillor Ahmodul Kabir

Officers Present:

Tom Lewis	– (Team Leader - Licensing Services)
Jonathan Melnick	– (Principal Lawyer-Enforcement)
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. ITEMS FOR CONSIDERATION

- 2.1 London Local Authorities Act 1991 Hearing to revoke the special treatment licence for Genesis Thai Beauty Spa, Unit 2 Nagpal House, 1 Gunthorpe Street London E1 7QX**

At the request of the Chair, Mr Tom Lewis, Team Leader – Licensing and Health & Safety, introduced the report which was seeking revocation of the special treatment licence for Genesis Thai Beauty Spa, Unit 2 Nagpal House, 1 Gunthorpe Street, London E1 7QX. He explained that on 13 April 2017 a petition containing 101 signatures from local residents from the Liverpool Street area was received by the Council from the Corporation of London. The petition requested that all massage premises in the area be investigated for compliance with their licence conditions.

It was noted that two test purchases had been carried out at the premises, on 15 October 2021 and 29 October 2021 and, on both occasions, services of a sexual nature were offered. Members were referred to the statements from the test purchasers detailing their account of the test purchase.

Mr Lewis informed the Committee that correspondence had been received from the Premises Licence Holder, Ms Chanita King and her Legal Representative following notification of this hearing and these were included in the supplemental agenda on pages 3-6. It was noted that the premises licence holder had requested that the Authority cancels the licence. He stated that under the London Local Authorities 1991 Act, the Council may at the request of the licence holder cancel the licence. However, it was the Licensing Authority's view the word 'may' did not mean that they had to cancel the licence and given that this formal request had only been received a few days ago, Officers were of the view that the evidence contained in the report warranted the revocation of the licence and the Committee should proceed to determine the application.

Mr Lewis concluded that the Committee is recommended to revoke this licence under section 8 of the London Local Authorities (e) the premises have been or are being improperly conducted. He expressed concerns that providing services of a sexual nature can amount to prostitution and can be often linked to criminal activities such as human trafficking and exploitation of vulnerable females, and give rise to an increased risk of spreading infectious diseases.

Finally, it was noted that due to the findings from the test purchases, the Authority were now looking to take legal action against the premises licence holder for breach of their licence.

There were no questions from Members.

There were no other interested parties present to make a representation, therefore the Chair announced that the Committee would deliberate after the meeting and the decision would be sent out in writing.

DECISION

The Licensing Committee considered an application by the Licensing and Safety Team seeking the revocation of the special treatment licence held by Genesis New World Aldgate Ltd. in respect of Genesis Thai Beauty Spa, Unit 2 Nagpal House, 1 Gunthorpe Street, London, E1 ("the Premises"). The basis

of the application was that two test purchases carried out in October 2021 had resulted in sexual services being offered by therapists.

The Committee was made aware that the licence holder had submitted a request to cancel the licence. The Committee was also aware of correspondence between the Licensing and Safety Team and the licence holder's solicitor in respect of this point. The Committee was advised that it was a matter of discretion to accept the cancellation or to proceed with the hearing. The Committee proceeded as Members thought it important to hear and determine the substantive application as the outcome may be relevant in respect of any future applications by the licence holder or for a new licence at the Premises.

The Committee heard from Mr. Lewis, who outlined the test purchases and the reasons why revocation was sought. The Premises were being improperly conducted, the activity alleged was tantamount to prostitution, such offences were often linked to other criminal activity, and the perpetuation of these activities tarnished the Borough's reputation.

The licence holder did not attend but the Committee noted the request to cancel and that the allegations were not admitted and had no bearing on the decision to request cancellation of the licence.

The Committee was satisfied as to the evidence of the test purchasers, which was in the agenda packs and which amounted to a breach of conditions 7B and 9 of the Council's standard conditions which apply to all special treatment licences. In the absence of any representations from the licence holder (and noting in any event that she has no intention of continuing the business) the Committee was satisfied that it was appropriate to revoke the licence on the basis of section 8(c) and 8(e) of the London Local Authorities Act, namely that the persons concerned in the conduct or management of the premises could be reasonably regarded as not being fit and proper to hold such a licence, and that the premises have been or are being improperly conducted.

Accordingly, the Committee unanimously;

RESOLVED

That the **Revocation** of the special treatment licence for Genesis Thai Beauty Spa, Unit 2 Nagpal House, 1 Gunthorpe Street, London, E1 7RG be **GRANTED**.

2.2 London Local Authorities Act 1991 Hearing to consider the revocation of the Special Treatment Licence for Natural Treatment, 35 Artillery Lane, London E1 7LP

At the request of the Chair, Mr Kamal Miah, Environmental Health Officer, introduced the report seeking a revocation of the special treatment licence for Natural Treatment, 35 Artillery Lane, London E1 7LP. He also explained that following on from the petition in 2017 from residents, it has been a priority to make sure that licensed premises are investigated and make sure they are

operating in accordance with law. Therefore, it was taken upon officers to investigate premises and carry out mystery shoppers. It was noted that test purchases were carried out at this premises because it had been linked to sexual services that in the past based on Internet search under a different licence holder and therefore selected for a test purchase.

Mr Miah explained that test purchases were carried out on 15th and 29th October 2021 and, on both occasions during the massage, services of a sexual nature were offered to the test purchaser. A detailed account of the test purchases can be found on pages 123-131 of the agenda. It was also noted that on 22nd March 2022, the Council became aware that the therapists who offered the sexual services during the test purchases has not been approved by the Council to carry out massage treatments.

Mr Miah concluded that the licence was renewed on 17th June 2022. However, now that the premises is associated to services of a sexual nature, he recommended that the licence be revoked by the Committee.

The Committee then heard from Ms Yani Wang, Premises Licence Holder. She read through a statement that she circulated at the meeting (the statement can be found in the tabled papers published as part of a supplemental agenda. She referred to having been “cheated” by the previous owner when she purchased the business in March 2020. Her statement referred to having heard of sexual services being offered in massage parlours but was nothing to do with her, but she now “...had to deal with the problem, the problem that was left over from the previous owner.”

Ms. Wang spoke to her thirty years’ of experience in this industry. She suggested it should be the masseuses who should be regulated and suffer the risk of being unable to work if they offered sexual services, rather than penalising the employer. She accepted that there was a high risk of sexual services being offered but also accepted that her employees were doing what others do and they were just unlucky. She also suggested some form of collusion between officers and premises. In a second statement, Ms. Wang provided screenshots of messages between her and the massage therapist, in which the therapist denied offering the services. Ms. Wang said she did not believe that either the test purchaser or her massage therapist would lie. She suggested that she should have been made aware much sooner of the incidents, than having wait for a hearing to be conducted by the Council. Statement have been included as part of the tabled papers.

In response to questions the following was noted;

- That Ms Wang had 8 years remaining on the current premises lease.
- That there were no locks or shower facilities in the treatment rooms.
- That once Ms Wang took over the premises, she had hired new members of staff and did not use the previous owner’s staff.
- That the premises was selected for test purchases based on direct complaints, suspicions and from previous history of the premises from previous owner and internet searches.

- That in total the premises had four treatment rooms and one rest room for staff.
- That when staff are appointed, passport checks and certificate/qualification checks are conducted.
- Staff were paid via bank transfer.
- Ms. Wang accepted that the operation of the Premises was her responsibility yet suggested that it was not possible to control what goes on once the door to the therapy room is closed.
- Mr. Miah was asked why it had taken until February 2022 before these allegations were brought to Ms. Wang's attention. He explained that the service had a number of cases to investigate, not just this one, and those took time. Evidence needed to be obtained and lines of enquiry pursued and it took a considerable period of time to be able to put cases together for either Committee or for referring to Legal Services. He confirmed that the case had been brought to the committee within an appropriate time frame.

There were no other interested parties present to make a representation. Therefore the Chair announced that the Committee would deliberate after the meeting and the decision would be sent out in writing.

DECISION

The Licensing Committee considered an application by the Licensing and Safety Team seeking the revocation of the special treatment licence held by Yani Wang in respect of Natural Treatment, 35 Artillery Lane, London, E1 ("the Premises"). The basis of the application was that two test purchases carried out in October 2021 had resulted in sexual services being offered by therapists.

The Committee heard from Mr. Ali, who outlined the test purchases and the reasons why revocation was sought. Aside from the sexual activity, the report noted that there were also breaches of the conditions restricting massages from being given by persons of the opposite sex to the person receiving the treatment and requiring therapists to be approved. The Premises were being improperly conducted, the activity alleged was tantamount to prostitution, such offences were often linked to other criminal activity, and the perpetuation of these activities tarnished the Borough's reputation.

Ms. Wang attended and read out a prepared statement. She referred to having been "cheated" by the previous owner when she purchased the business in March 2020. Her statement referred to having heard of sexual services being offered in massage parlours but was nothing to do with her, but she now "...had to deal with the problem, the problem that was left over from the previous owner."

Ms. Wang spoke to her thirty years' of experience in this industry. She suggested it should be the masseuses who should be regulated and suffer the risk of being unable to work if they offered sexual services, rather than

penalising the employer. She accepted that there was a high risk of sexual services being offered but also accepted that her employees were doing what others do and they were just unlucky. She also suggested some form of collusion between officers and premises. In a second statement, Ms. Wang provided screenshots of messages between her and the massage therapist, in which the therapist denied offering the services. Ms. Wang said she did not believe that either the test purchaser or her massage therapist would lie. She suggested that she should have been made aware much sooner of the incidents.

During questions from Members, Ms. Wang accepted that the operation of the Premises was her responsibility yet suggested that it was not possible to control what goes on once the door to the therapy room is closed. She told the Committee that she had not used the previous owner's staff. Mr. Miah was asked why it had taken until February 2022 before these allegations were brought to Ms. Wang's attention. He explained that the service had a number of cases to investigate, not just this one, and those took time. Evidence needed to be obtained and lines of enquiry pursued and it took a considerable period of time to be able to put cases together for either Committee or for referring to Legal Services.

The Committee was satisfied as to the evidence of the test purchasers, which was in the agenda packs and which amounted to a breach of conditions 7B, 8A and 9 of the Council's standard conditions which apply to all special treatment licences. The Committee did not find Ms. Wang to be at all credible. Whilst her prepared statements appeared to suggest that these problems had materialised under the previous owner's management and that they had only come to light after that, this did not fit with her own evidence. She had purchased the business in March 2020, she had not taken on the staff, and the test purchases had occurred in October 2021. She accepted her responsibility and yet sought to downplay it. She appeared to suggest that it was simply not possible to control the actions of her therapist.

In addition, Ms. Wang knew or ought to have known of the condition requiring all therapists to be approved. The therapist in October 2021 was not approved.

The Council's standard conditions and the statutory grounds reasons for revocation are all focused on the safety and suitability of the Premises for the treatments and for those working and visiting. It is the responsibility of the licence holder to ensure compliance and if they do not know how to do so then it calls into question their fitness and propriety to hold a licence. The Committee was satisfied that the Ms. Wang was not exercising proper control of the Premises. She was failing to comply with at least three conditions and appeared to suggest that the offer of sexual activity was simply impossible to control. In light of everything that it had heard, the Committee was satisfied that it was appropriate to revoke the licence on the basis of section 8(c), 8(d) and 8(e) of the London Local Authorities Act, namely that the persons concerned in the conduct or management of the premises could be reasonably regarded as not being fit and proper to hold such a licence, that

treatments were being given by people who were not suitably qualified, and that the premises have been or are being improperly conducted.

Accordingly, the Committee unanimously;

RESOLVED

That the **Revocation** of the special treatment licence for Natural Treatment, 35 Artillery Lane, London, E1 7LP be **GRANTED**.

2.3 London Local Authorities Act 1991 Hearing to consider revoking the special treatment licence for Vanilla Thai Massage, 1 Whites Row, London E1 7NF

At the request of the Chair, Mr Amran Ali, Health & Safety Officer Environmental Health Officer, introduced the report seeking a revocation of the special treatment licence for Vanilla Thai Massage, 1 Whites Row, London E1 7NF. He explained that the Committee is recommended to consider revocation of the licence on the basis that the business was found to be offering services of a sexual nature. It was noted on 15th & 29th October 2021 test purchases were carried out by professional surveillance company and found that services of a sexual nature was being offered by the therapist and the statement of the test purchaser can be found on page 180 of the agenda.

Mr Ali pointed out that when businesses are selected for the test purchasing exercise the Council appoints a professional surveillance company and provides a list of the premises to the company and that it was the surveillance company that appoint individuals to go to the premises at their own time within a time period to conduct the visit and there is no information provided to the Council Officers beforehand as to which premises they're going to and on what day. It was also noted that a follow up compliance visit was carried out on the 27th January 2021 by Officers from the Council, two massage therapists were present at the premises one of whom was not listed as a therapist nor any qualifications certificates were provided and this was a breach of condition 6 of the standard conditions.

Mr Ali informed the Committee that Ms Cheung Lai Kwan's (Premise Licence Holder) Legal Representative had been in contact with him and had informed him that his client had been in Hong Kong since December 2009 and a copy of the e-mail can be seen on page 7 of the supplemental agenda pack. In the e-mail the solicitor representing the licensee stated that she was in December since 2019 and currently still in Hong Kong, he also stated that following the findings of the test purchases she had decided to sell the business and the business was sold on the 11th of April 2022. The Legal Representative since then had sent another email today to confirm that the licensee now wishes for her licence to be cancelled. Mr Ali explained that there was insufficient time to process that request hence why this report has been brought to the Committee with a recommendation to revoke the licence.

Mr Ali concluded that such sexual services do resemble services of prostitution and can often be linked with other criminal activities such as human trafficking, exploitation of vulnerable females, and money laundering, as well as giving rise to an increased risk of spreading infectious diseases. These activities risked tarnishing the reputation of Tower Hamlets.

There were no questions from Members.

There were no other interested parties present to make a representation. Therefore the Chair announced that the Committee would deliberate after the meeting and the decision would be sent out in writing.

DECISION

The Licensing Committee considered an application by the Licensing and Safety Team seeking the revocation of the special treatment licence held by Cheung Lai Kwan in respect of Vanilla Thai Massage, 1 White's Row, London, E1 ("the Premises"). The basis of the application was that two test purchases carried out in October 2021 had resulted in sexual services being offered by therapists.

The Committee was also aware of correspondence between the Licensing and Safety Team and the licence holder's solicitor which stated, among other things, that Ms. Kwan had sold the business, that she had been in Hong Kong since December 2019, that she was not intending to return to the UK in the foreseeable future, and that she has no further interest in the business. The Committee was advised that this did not meet the requirements of the London Local Authorities Act 1991 for a formal request to cancel.

The Committee heard from Mr. Ali, who outlined the test purchases and the reasons why revocation was sought. The Premises were being improperly conducted, the activity alleged was tantamount to prostitution, such offences were often linked to other criminal activity, and the perpetuation of these activities tarnished the Borough's reputation.

The licence holder did not attend. The Committee noted the correspondence submitted on her behalf.

The Committee was satisfied as to the evidence of the test purchasers, which was in the agenda packs and which amounted to a breach of conditions 7B and 9 of the Council's standard conditions which apply to all special treatment licences. In the absence of any representations from the licence holder (and noting in any event that she appears to no longer be involved in the business) and given her long absence during which she cannot have been exercising proper control, the Committee was satisfied that it was appropriate to revoke the licence on the basis of section 8(c) and 8(e) of the London Local Authorities Act, namely that the persons concerned in the conduct or management of the premises could be reasonably regarded as not being fit

and proper to hold such a licence, and that the premises have been or are being improperly conducted.

Accordingly, the Committee unanimously;

RESOLVED

That the **Revocation** of the special treatment licence for Vanilla Thai Massage, 1 White's Row, London, E1 7NF be **GRANTED**.

The meeting ended at 8.15 p.m.

Chair, Councillor Kamrul Hussain
Licensing Committee

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TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE

GOVERNING APPLICATIONS FOR

SEX ESTABLISHMENT LICENCES

UNDER SECTION 2 OF AND SCHEDULE 3 TO THE LOCAL GOVERNMENT

(MISCELLANEOUS PROVISIONS) ACT 1982

Date Last Reviewed:	22nd September 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st March 2018

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under section 2 of and schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

2. Composition of the Licensing Committee

- 2.1 The Licensing Committee will consist of fifteen (15) members and no business shall be transacted unless at least three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Committee. The Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.
- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Chair will explain how the proceedings will be conducted, and indicate any time limits that will be imposed on the parties. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee should allow each party an equal amount of time.
- 3.5 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.

- 3.6 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing.
- 3.7 If the Licensing Committee adjourns the hearing it should specify the date, time and place to which the hearing has been adjourned.
- 3.8 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application or objection given by that party.
- 3.9 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any objections withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.
- 3.10 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.11 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.12 The Chair will then ask the applicant or their representative, if present, to state their case. This should avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Sex Establishment Licensing Policy, where appropriate; address, where appropriate, the matters stated in the Sex Establishment Licensing Policy that the Licensing Committee will take into account when considering applications; and respond to the written objections received. The submission may be followed by the evidence of any person who is giving supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.13 The application is to be presented within any time limit that has been set.
- 3.14 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.

- 3.15 The objectors (or their representative) will be invited to question the applicant.
- 3.16 Members of the Licensing Committee may ask questions of the applicant and/or their representative as well as any other person who has spoken in support of the application. Members can also ask questions of any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask objectors against the application to state their case within any time limit that has been set. The objectors should not repeat what is already set out in their objections. In stating their case, the objectors should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who is giving supporting evidence.
- 3.19 The applicant (or their representative) will be invited to question the objectors.
- 3.20 Members of the Licensing Committee may then ask questions of the objectors and any other person who has spoken given evidence in support. Members can also ask questions of any other person present who they consider can assist.
- 3.21 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.22 Petitions will be considered but Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 The objectors (or their representative) will then be permitted to “Sum Up”.
- 3.25 The applicant (or their representative) will then be permitted to “Sum Up”.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but where they consider it appropriate for the determination to be given at a later time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place later and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

DO'S AND DO NOT'S

1. Councillors must:
 - (a) Attend compulsory training sessions;
 - (b) Be open minded and impartial;
 - (c) Declare any actual interest;
 - (d) Listen to the arguments for and against;
 - (e) Carefully weigh up all relevant issues;
 - (f) Ask questions that relate only to licensing considerations relevant to the particular application;
 - (g) Make decisions on merit and on licensing considerations only;
 - (h) Respect the impartiality and integrity of the Council's officers;
 - (i) Report any lobbying from applicants, agents, objectors or any other Councillor;
 - (j) Promote and support the highest standards of conduct; and
 - (k) Promote equality and not discriminate unlawfully against any person, and treat all people with respect.

2. Councillors must not:
 - (a) Be biased or give the impression of being biased;
 - (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
 - (c) Act to gain a financial or other benefit for themselves, their family, friends or close associates;
 - (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member (e.g. by accepting gifts or hospitality from any person involved in or affected by a licensing application);
 - (e) Place themselves in a position where their integrity might reasonably be questioned;
 - (f) Participate in a meeting where they have a DPI;
 - (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
 - (h) Express opinions during any site visit to any person present, including other Members.

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Committee	26 September 22	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Local Government (Miscellaneous Provisions) Act 1982 Application for a new Sexual Entertainment Venue Licence for Club Oops, 30 Alie Street, London, E1 8DA
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Whitechapel

1.0 Summary

Applicants: **Santosh Nair**
Name and **Club Oops**
Address of Premises: **30 Alie Street**
London
E1 8DA

Licence sought: **Local Government (Miscellaneous Provisions) Act 1982 (as amended)**
Application for a new Sexual Entertainment Venue Licence

Objectors: **Licensing Authority**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and 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
Tower Hamlets SEV Policy

Kathy Driver
020 7364 5171

3.0 Background

- 3.1 This is an application made by Santosh Nair for a new Sexual Entertainment Venue (SEV) licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) for Club Oops, 30 Alie Street, London, E1 8DA.
- 3.2 A licence from the Council is required for the use of a premise as a sex establishment. An SEV is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment means:

- any live performance; or
- any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

- 3.3 The premises has operated as an SEV since March 2016. Mr. Santosh Nair has operated the SEV premises since 30th June 2016 under City Traders London Limited and more recently as an individual licensee.
- 3.4 Mr. Santosh Nair previously held an SEV licence granted on 25th June 2021. This licence expired on 31st May 2022. A copy is attached at **Appendix 1**. The Council’s standard conditions applied to the licence and are attached at **Appendix 2**.
- 3.5 The licence expired prior to a renewal application being made. That application was received by the Council on 1st June 2022 at 19:26 hrs. The effect of the failure to renew before expiry meant that the licence expired on 31st May 2022 and a new licence application was thus required..
- 3.6 A new licence application was made on 22nd June 2022. This is attached at **Appendix 3** and supporting documents, **Appendix 4**.

The hours applied for are:

- Monday to Sunday from 11:00 hrs to 04:00hrs (the following day)

(These hours are duplicated from the expired licence)

The named management responsible for this premises as quoted on the application are:

- Mr Santosh Nair – owner
- Mr. Wai Ying Nick Chan – General Manager

The applicant has offered the standard conditions as were attached to the lapsed licence in **Appendix 1 and 2**.

Members should also note DBS checks were received of Santosh Nair dated 21st June 2022 and Mr. Nicky Chan dated 9th June 2022. These are clear of any convictions, cautions, warnings.

- 3.7 The premises also hold a licence under the Licensing Act 2003. A copy of the existing licence is enclosed for Members' information as **Appendix 5**. The licence was granted on 10th March 2006. A transfer was made on 1st December 2016 to Santosh Nair. The Designated Premises Supervisor is Wai Ying Nicky Chan, which post has been held since 28th May 2020.

The licence permits the following licensable activities:

The sale by retail of alcohol:

- Monday to Sunday from 11:00hrs to 03:30hrs (the following day)

Regulated Entertainment consisting of:

Recorded Music, Performances of dance:

- Monday to Sunday from 11:00hrs to 03:30hrs (the following day)
- On New Year's Eve all licensable activities may continue from the end of normal permitted hours to the commencement of permitted hours on the following day.

The opening hours of the premises:

- Monday to Sunday from 11:00 hours to 04:00 hours the following day.
- On New Year's Eve all licensable activities may continue from the end of normal permitted hours to the commencement of permitted hours on the following day.

- 3.8 Members should note that the two regimes run concurrently. Therefore the premises licence granted under the Licensing Act 2003 could effectively run without the SEV in operation, if alcohol and regulated entertainment was solely taking place.

3.9 Maps of the premises' location are available in **Appendix 6**.

4.0 **Layout of the Premises**

- 4.1 A layout plan of the premises is available in **Appendix 7**.

4.2 A photograph of the exterior of the premises is available in **Appendix 8**.

5.0 **Adverts and Flyers**

5.1 The premises has no advertising outside the premises other than its club name. It is unclear from the application as to whether the premises uses flyers/advertisements to promote the premises. There is no evidence of website linked to the venue.

5.2 There is no external advertising at the premises.

6.0 **Standard Conditions**

6.1 The Council has adopted Standard Conditions that were revised on 23rd June 2015. These apply as default conditions that are attached to all SEV licences. These are given in **Appendix 2**.

7.0 **Codes of Conduct and Policies**

7.1 The Applicant has provided Codes of Conduct and policies as required by the Standard Conditions. These are attached at **Appendix 9**, and are the:

- Code of Conduct for Performers
- Code of Conduct for Customers
- Dancers' Welfare Policy

7.2 Members have discretion to modify the standard conditions or add appropriate conditions, if the application is granted.

8.0 **Assessment and information for the vicinity**

8.1 **Appendix 10** is a map of the Licensing Service's determination of the vicinity around the premises, set at 100 metres from the premises.

8.2 Determination of the "use" of other Premises in the "vicinity" - vicinity" is likely to be a narrower and smaller area than the "relevant locality." Much will depend upon the physical location of the premises, its appearance and upon the nature and hours of its operation.

8.3 Below is a list of notable premises within the vicinity:

Residential accommodation	<p>The business is over two floors. It is unclear if residential is above.</p> <p>The locality is a mix of residential & business/office space.</p> <p>The vicinity is mix of office buildings and residential accommodation.</p> <p>Residential accommodation is situated at, West Tenter St; North Tenter St; East Tenter St; St Mark St; Scarborough Street Alie Street; <ul style="list-style-type: none"> Flats 1-11,22 Alie Street Flats 1-11, 57 Alie Street 1-23 Lattice House 1-6 Network House Leman Street; 1-59 Sterling Mansions, 75 Leman Street No. 65 Leman St houses 617 rooms for student accommodation (only partially within 100m boundary) Goodmans Fields Development, Leman Street Cashmere House,(Part of Goodmans Field development)</p>
Schools	<p>English Martyrs Catholic Primary School, St Mark St</p> <p>Royal College of Pathology, 6-8 Alie Street Global City of London College, 36 Alie Street</p>
Premises used by children and vulnerable persons	<p>Job Centre, 83-85 Mansell Street with entrance at West Tenter Street</p>
Youth community and leisure centres	<p>Anytime fitness, 18 Alie Street David Lloyd fitness centre, 1 Alie Street Premier Inn, 66 Alie Street Rena health & leisure, Leonardo Royal London, 45 Prescott Street</p>
Religious centres and public places of worship	<p>St Georges German Lutheran Church, 55 Alie Street Church of English Martyrs, Prescott Street</p>
Access routes to and from	<p>The premises sits on the southern side of Alie Street, Alie Street joins Mansell Street on western end and Leman</p>

<p>premises listed above</p>	<p>Street on east. These routes are main transport routes to and from Central London.</p> <p>There are a number of bus routes, as well as night buses.</p> <p>Aldgate East Tube Station is a 3 minute walk away with Aldgate station and Tower Hill stations also nearby</p>
<p>Existing licensed premises in the vicinity</p>	<p>Leman Street: Oliver Conquest, 70 Leman Street, E1 8EU</p> <p>Sainsbury, Unit 2, Southwest Block, Goodman’s Fields, Leman Street, E1 8EJ</p> <p>Leman Street Tavern, Unit 3, North West Block, Goodmans Field, London E1 8PT</p> <p>Leman Bar, 19a Leman Street, E1 8EN</p> <p>Pizza Union, 29 Leman Street, E1 8PT</p> <p>Black Horse PH, 40 Leman St, E1 8EU</p> <p>Whites, 32-38 Leman Street E1 8EW</p> <p>Amazon Fresh, Unit 01, NW Block, 39 Leman Street, E1 8PU</p> <p>Berkley Homes (Capital)Plc, Unit 01, NW Block, 39 Leman Street, E1 8PU</p> <p>Alie Street: Premier Inn, 66 Alie Street, E1 8DE</p> <p>Royal College of Pathologists, 6 Alie Street, E1 8QT</p> <p>White Swan, 21 Alie Street, E1 8DA Thyme (Premier Inn), Goodmans Fields, Alie Street, E1 8DE</p> <p>Pilpel, Unit 5 60 Alie Street, London E1 8PX</p> <p>YoYo Oriental Supermarket, 61a Alie Street, E1 8EB</p> <p>Pasta Pit Stop, 77 Alie Street, E1 8NH</p> <p>Boom Battle Bar, Units 1,2,3 North East Block, Goodmans Fields, E1 8QG</p> <p>St Mark Street: Halal Restaurant, 2 St Mark Street, E1 8DJ</p>

9.0 **Assessment and information for the Locality**

9.1 **Appendix 11** contains the Ward Profile of Whitechapel produced by Corporate Research Unit in May 2014 to provide members with details in relation to the locality of the premise. It should be noted though this was produced in 2014 it is the most up to date available.

9.2 In regards to the “relevant locality” :

- The relevant locality was assessed as being within a 100 metre radius centred on the premises, 30 Alie Street.
- The premises sits close to the A1202 (Leman Street) to the East, which junctions with Commercial Road and Whitechapel High Street which are red routes and sit on one of the main routes into Central London and out to the East. To the West is the A1211 (Mansell Street) which leads to Tower Bridge in the South and A major Aldgate junction in the North.
- The locality is a mixture of residential, commercial and transport infrastructure

9.3 The character of the locality:

- The premises is within Whitechapel Ward
- The ward has been assessed to have around 5.9% of the Borough’s residents.

10.0 **Other Sexual Entertainment Venues**

10.1 The following premises have applied to renew their SEV licences, which were granted under delegated authority.

- **Metropolis** 234 Cambridge Heath Road, London, E2 9NN
- **Nags Head** 17-19 Whitechapel Road, London, E1 1DU
- **Whites Gentleman’s Club** 32-38 Leman Street, London, E1 8EW
- **White Swan** 556 Commercial Road, London, E14 7JD

11.0 **Consultation**

11.1 The application has been consulted on in accordance with the statutory requirements and the Tower Hamlets Sexual Entertainment Policy.

This has included:

a) A site notice at the premises displayed by the applicant during the required period. A copy of the notice is appended as **Appendix 12**.

b) A press advert was placed in East London Advertiser on 30th June 2022 by the Applicant, See **Appendix 13** for extract.

11.2 The following is a list of those also consulted with regard to the application:

- The Police
- The Fire Brigade
- Building Control
- Health and Safety
- Ward Councillors
- Local residents within a 50m radius

12.0 Responses to the Consultation

None of those consulted in accordance with paragraph 11 responded to the application

13.0 Representations (other than from the statutory consultees)

13.1 No representations were received from local residents or businesses.

13.2 The Council will not consider representations that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act).

13.3 A representation was made by the Licensing Authority. Please see **Appendix 14**.

14.0 Complaints and Enforcement History

14.1 The premises has received no complaints in the last 12 months.

14.2 The premises has not been visited by the Local Authority in the past 12 months.

14.3 Members should note that due to coronavirus business restrictions premises of this nature were closed and unable to reopen until those were revoked. The premises were permitted to re-open on 18th July 2021 at 23:55hrs.

14.4 The premises has not been subject to enforcement action.

15.0 Policy - Appropriate Number of Sexual Entertainment Venues

15.1 The Council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough and it does not want to see an increase in the numbers of premises that are currently providing these activities.

15.2 The Council has adopted a policy to limit the number of sexual entertainment venues in the borough to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Tower Hamlets for several years. The Council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management;
- A management structure and capacity to operate the venue;
- The ability to adhere to the standard conditions for sex establishments.

15.3 The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Council will consider any new applications more favourably.

16.0 Home Office Guidance

16.1 The Home Office issued guidance to local authorities in March 2010 to assist local authorities in carrying out their functions under the Act.

16.2 The Council can refuse applications on grounds related to an assessment of the relevant locality. A licence can be refused if either, at the time the application is determined the number of Sexual Entertainment Venues, or Sexual Entertainment Venues of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a Sexual Entertainment Venue would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

- 16.3 The decision regarding what constitutes the 'relevant locality' is a matter for the Council. However, such questions must be decided on the facts of the individual application.
- 16.4 Once the Council has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, Sexual Entertainment Venues, or Sexual Entertainment Venues of a particular kind, it considers appropriate for that relevant locality.

17.0 Licence Conditions

- 17.1 Once the Council has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or standard conditions applicable to all Sexual Entertainment Venues, or particular types of Sexual Entertainment Venues.
- 17.2 Where the Council decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
- 17.3 Most sexual entertainment venues will require a Licensing Act 2003 licence as well as a Sexual Entertainment Venue licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licences or clubs premises certificate and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.
- 17.4 In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.
- 17.5 In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in

the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.

18.0 Sexual Entertainment Venues and Determination

18.1 Members should consider the relevant legislation, the Council's SEV Policy and Standard Conditions (See **Appendix 15** and **2** respectively.)

19.0 Legal Comments

19.1 The Council must refuse an application for the grant or renewal of a licence on one or more of the grounds specified below (Schedule 3, para 12(1) of the Act:

19.2 The mandatory grounds for refusal are as follows:

- (a) the applicant is under the age of 18;
- (b) that the applicant is for the time being disqualified from holding a licence;
- (c) that the person is a person other than a body corporate, who is not resident in the U.K. or an EEA state or was not so resident throughout the six months preceding the date of the application;
- (d) that the applicant is a body corporate which is not incorporated in the U.K or an EEA state; or
- (e) that the applicant has been refused the grant or renewal of a sex establishment licence for the premises within the twelve months preceding the date of the application and the refusal has not been reversed on appeal.

19.3 The Committee has discretion to refuse the application if any of the following grounds for refusal apply under para. 12(3) of Schedule 3 of the Act.

The discretionary grounds for refusal are as follows:

- (a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would have been refused a licence if they had applied themselves;
- (c) the number of sex establishments exceeds the number or is equal to the number which the council consider is appropriate for that locality; or
- (d) the grant or renewal of licence would be inappropriate because of:
 - i. the character of the relevant locality;
 - ii. the use to which the premises in the vicinity are put; or
 - iii. the layout, character or condition of the premises, vehicle, vessel or stall.

(In relation to premises, 'the relevant locality' means the locality where the premises are situated).

19.4 The Council's SEV Licensing Policy made specific provision for those SEVs trading in the borough when the 1982 Act was adopted and confirms it will not apply the nil SEV policy to existing businesses that were already trading as SEVs with authorisation, subject to certain requirements being satisfied. However, the policy similarly makes clear that if any of those venues cease to trade, there is no presumption that any new application will be treated more favourably.

19.5 There is a right of appeal to the magistrates' court, as set out in paragraph 27 of Schedule 3 of the Act. The decision of the magistrates' court may be further appealed to the Crown Court. In addition, the decision of the Committee may be appealed on established public law principles. It should be noted, however, that there is no right of appeal where the decision is to refuse the application on the basis of paragraph 12(3)(c).

19.6 The Committee should only consider those comments within the written objection or made orally at the hearing which are relevant to the mandatory or discretionary grounds for refusal. Comments within the written objections or orally at the hearing which relate to moral grounds, for example, must not be considered by the Committee.

19.7 The Council's legal advisor will give advice at the Hearing.

20.0 **Finance Comments**

20.1 There are no direct financial implications arising directly from the report. However, there are possible cost implications if the decision is appealed. Licence fees are expected to cover the cost of administration and compliance.

21.0 Appendices

Appendix 1	A copy of the lapsed SEV Licence
Appendix 2	A copy of the Councils adopted standard conditions
Appendix 3	A copy of the application
Appendix 4	Supporting documents
Appendix 5	A copy of the existing Premises Licence
Appendix 6	Maps of the premises showing the site location
Appendix 7	Layout Plan
Appendix 8	Photographs of the premises
Appendix 9	Code of Conduct for Performers, Code of Conduct for Customers (House Rules) and Dancers Welfare Policy
Appendix 10	Vicinity Map
Appendix 11	Ward Profile of Whitechapel
Appendix 12	Copy of Site Notice
Appendix 13	Copy of Press Advert
Appendix 14	Representations of Licensing Authority
Appendix 15	Copy of LBTH SEV Policy

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Appendix 1



Lic No:
138175

LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

Licence Number: 138175

The **LONDON BOROUGH OF TOWER HAMLETS** under provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in relation to the licensing of sex establishments, as amended by section 27 of the Policing and Crime Act 2009, grants, in accordance to its Licensing Policy:

Name, (registered) address, telephone number and email (where relevant) of holder of SEV licence:

Santosh Nair

to use premises:

Postal address of premises, or if none, ordnance survey map reference or description

(Club Oops)
30 Alie Street

Post town
London

Post Code
E1 8DA

Tele hone number
[REDACTED]

as a Sexual Entertainment Venue.

This licence is in force up to: **31st May 2022** or during the time that the licensee(s) is/are the occupier of the premises, whichever is the shorter period, or unless sooner surrendered or revoked.

OFFICE USE

Receipt No: Suspense account

Paid: £9,290.00

Date: 21/05/2021

The hours permitted are:

- **Monday to Sunday, from 11:00 hrs to 04:00 hrs (the following day)**

The Premises are as per the plans submitted to the Licensing Authority on:
21st May 2021 - Ground Floor and First Floor (second and third floors are for information only)

The named management responsible for this premises are

Santosh Nair – Owner
Wai Ying Nicky Chan - General Manager

This licence is granted subject to conditions as follows:

1. the Standard Conditions of the London Borough of Tower Hamlets made under paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as revised on 23rd June 2015. It is the duty of the licence holder to be aware of and abide by those conditions.
2. Management of the Business
 - I. At any time while this licence is in place, the person(s) appointed by the licence holder to manage the business MUST have a minimum of 2 years relevant experience in a supervisory or enforcement role within or dealing with the sexual entertainment Industry. Relevant experience can only be gained through legitimate employment which ended not less than 2 years prior to being appointed by the holder of this licence.
 - II. If the licence holder appoints a person(s) to manage the business the licence holder must notify the licensing authority In writing within 14 days of the appointment and provide the Licensing Authority with an up to date copy of the newly appointed manager(s) Curriculum Vitae.
3. Independent Compliance Audits
 - I. An independent Compliance Auditor, to be Instructed and paid for by the licence holder, MUST carry out a minimum of four (4) compliance audits per year. The compliance audits must not be pre-arranged with the licence holder or any employee and/or agent of the licence holder and/or directors of the licence holder company.
 - II. A copy of the completed assessment reports, signed and dated by the compliance auditor, MUST be kept at the premises (30 Alie Street) and made available to a police officer or an officer authorised by the licensing authority, on request.
4. On Monday to Sunday the door at the rear of the premises will not be used for any purposes save emergency use between 9pm and 9am the following day.

5. A CCTV camera will be installed to cover the rear door of the premises and operated in accordance with the regime set out in Standard Conditions 12 and 13.
6. When sexual entertainment is offered at the premises a suitable door supervisor shall patrol the perimeter of the premises every 30 minutes between 10pm and when the premises is closed to the public to prevent customers, guests and visitors to the premises making a public nuisance.
7. The Licensee shall ensure that at the front and rear of the premises there is displayed in a prominent position in legible type a telephone number and an email address which a member of the public can use to contact the Licensee of the premises.
8. When sexual entertainment is offered at the premises a member of staff shall be responsible for answering the telephone number displayed pursuant to condition 7.
9. By 4.00pm on Tuesday October 27th the Licensee shall deliver to each residential address on North and East Tenter Street a notice providing the information and contact details displayed pursuant to condition 7.

Other requirements or restrictions:

This licence must be prominently and visibly displayed inside the entrance to the Premises.

This licence together with the standard conditions must be available at the Premises at all times.

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Dated: 25th June 2021

Appendix 2

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES
(REVISED 23RD JUNE, 2015)

Definitions

In this Licence,

‘approved layout’ means the layout of the Premises shown on the attached plan.

‘authorised officers’ means officers of the Borough Council or of the Police

‘drinks tariff’ means a tariff showing the price of all drinks

‘entertainment tariff’ means a tariff showing the price of all sexual entertainment performances, displays of nudity and services related to the sexual entertainment performance (including charges for admission to any part of the Premises; for hire of rooms, booths or reserved areas; or for the company of performers)

‘nudity’ , ‘display of nudity’ and ‘sexual entertainment’ are references to those terms as defined by section 27 of the Policing and Crime Act 2009.

‘performers’ means persons engaged by or through the Licensee who provide or participate in sexual entertainment

‘premises’ includes land, buildings, stalls, structures or erections, and all forms of vessels or vehicles (including for the avoidance of doubt bicycles, motor vehicles, boats and aircraft). It does not include any private dwelling to which the public is not admitted.

‘the Premises’ means the premises authorised in this Licence as a sexual entertainment venue and shown on the attached plan.

‘public area(s)’ means the area(s) outlined in blue on the attached plan, being the area within the Premises that the public are permitted to enter.

‘the public’ includes customers, guests and visitors to the premises, but excludes performers and those employees or agents of the Licensee lawfully engaged in managing or operating the Premises.

‘sexual entertainment area(s)’ means the area(s) outlined in red on the attached plan, being locations where sexual entertainment is permitted to take place.

‘suggestive advertising content’ means photographs, sculptures, images, tableaux, displays, sounds, spoken words or writing - including graphics, logos or trademarks- that depict, indicate or suggest that sexual entertainment takes place on the Premises

General

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.
2. The Licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within 14 days of such change.
3. The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.
4. The Licensee must give written notice to the Council if s/he wishes to surrender the licence.
5. A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.
6. The Licensee is to implement a suitable policy for the safety of the performers when they leave the Premises.
7. The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees.

Premises

8. The approved layout of the Premises shall not be altered without prior consent of the Council.
9. The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises).
10. Sexual entertainment shall take place only in the designated sexual entertainment areas.
11. No member of the public shall be permitted to go anywhere outside the public areas. The public shall not be permitted access to the performers' changing rooms.
12. Without prejudice to condition 13 below CCTV shall be installed to cover the inside and the outside of the Premises, covering all public areas, including private performance areas and booths, entrances and exits, but excluding the interior of toilets. All cameras must be maintained in working order. All cameras shall continually record whilst the Premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours' notice.
13. CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.
14. Members of the public may not enter or remain in the toilet cubicles in the company of any performer. Only one person at a time to enter a toilet cubicle.

Advertising

15. The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the London Borough of Tower Hamlets:

on any public highway, street, waterway or railway;
in any place of general public use or access; or
in publicly accessible areas of premises open to the public.

This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway.

For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons over the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).

16. All persons engaged or employed to attend to the entrance area or exterior of the Premises must be suitably dressed and conduct themselves so as not to indicate or suggest the availability of sexual entertainment at the Premises.

17. Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.

Admission to the Premises

18. No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises.

19. Customers who appear to be under the age of 21 must be asked to provide a Pass-scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at each entrance to the Premises.

House Rules

20. The Licensee shall prepare House Rules governing the conduct of customers.
21. The House Rules shall be prominently and legibly displayed close to each entrance of the Premises.
22. The House Rules must be made known to customers prior to their admission to the Premises when sexual entertainment is provided
23. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.
24. No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.
25. Customers may not be permitted to photograph, film or electronically record any performance.
26. The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.

Performers

27. Sexual entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation in any performances.
28. The Licensee shall keep a record of each performer, including their proper name and any aliases, and their residential address. With each record the Licensee shall keep a copy of a photographic form of identity and proof of address of the performer. With each record the Licensee shall keep a clear copy of an authorised document demonstrating that each Performer and each member of the staff is

entitled to work within the UK. A clear copy of this record shall be kept on the Premises at all times and be made immediately available for inspection by authorised officers.

29. On days when sexual entertainment is provided, the Licensee or their representative shall keep a record of those performers working at the Premises on that day in a daily record. The daily record shall be retained securely for at least 31 days and shall be made immediately available for inspection by authorised officers.

Tariffs

30. The Licensee shall prominently and legibly display the drinks tariff at or by the bar and at the entrance. No charge shall be made nor payment accepted for any drink other than in accordance with the tariff, save for clearly advertised discounts to the tariff.
31. The Licensee shall prominently and legibly display the entertainment tariff in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made nor payment accepted by the Licensee for any services other than in accordance with the tariff or clearly advertised discounts to the tariff.
32. The Licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant tariff at the amount shown on that tariff. These records must be made available within a reasonable time if requested by an authorised officer.

Code of Conduct

33. The Licensee shall prepare and implement a suitable Code of Conduct for performers.
34. The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers.

35. During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.
36. Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.
37. The Licensee must not permit gratuities or any other items to be thrown at performers.
38. During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.
39. Performers shall be provided with a changing room to which the public have no access.
40. Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].
41. Performers must re-dress at the conclusion of a performance.

Appendix 3

Application for the Grant, Renewal, Transfer or Variation of a Sexual Entertainment Venue Licence

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Part one of this form is open to inspection by the press and public

Please read the following instructions first

Before completing this form please read the associated guidance notes. 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. Please complete all sections or the application will be deemed incomplete and returned to the applicant.

Applicants are warned that any person who, in connection with the grant, renewal, transfer or variation of a sexual entertainment licence, makes a false statement which they know to be false in any material respect, or which they do not believe to be true, is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

Applicants are required to complete part one and part two of the application form, and provide any other documents listed in the form.

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

Part One: Details of Application

Section A: Type of Application

Please specify what type of application you are making:

New

 Renewal

 Variation

 Transfer

Licence Number (if applicable):

Section B: Premises to be licensed

Is the application in respect of (tick as appropriate):

Premises	Vehicle	Vessel	Stall
-----------------	----------------	---------------	--------------

Trading name and full postal address of premises to be licensed
(If this application is in respect of a Vehicle, Vessel or Stall, then the location where it will be used)

Name: CLUB OOPS!
 Address: 30 ALIE STREET

Post Town	LONDON	Postcode	E1 8DA
-----------	--------	----------	--------

Premises E-mail address	Premises contact telephone number(s)
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Section C: Applicant Details

Please state whether you are applying for a premises licence as	
a) an individual or individuals	<input checked="" type="checkbox"/> please complete box (1)
b) a limited company	<input type="checkbox"/> please complete box (2)
c) a partnership	<input type="checkbox"/> please complete box (2)
d) other	<input type="checkbox"/> please complete box (2)

(1): First Individual Applicant Details

MR <input checked="" type="checkbox"/>	MRS <input type="checkbox"/>	MISS <input type="checkbox"/>	MS <input type="checkbox"/>	Other
First names SANTOSH			Surname NAIR	
Address	<i>Please do not complete if this is a private residential address – This information is provided in Part 2</i>			
Age of applicant	Over 18:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

(1): Second Individual Applicant Details (Insert further pages if necessary for more than 2 applicants)

MR <input type="checkbox"/>	MRS <input type="checkbox"/>	MISS <input type="checkbox"/>	MS <input type="checkbox"/>	Other
First names			Surname	
Address	<i>Please do not complete if this is a private residential address – This information is provided in Part 2</i>			
Age of applicant	Over 18:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

(2): Other Applicant Details

Name	
Registered number	
Description of applicant	
Registered Address	
Post Town	Postcode

Section D: Premises Details

1. What is the nature of the applicant's interest in the premises (please tick as appropriate)
 - a) Freehold
 - b) Leasehold

2. If the applicant's interest in the premises is a leasehold one, please state whether it is a:
 - a) head lease
 - b) sub lease

3. the name and full address of the landlord (if applicable) KAUSJIK ARMRITLAL MODY AND DINESH ARMITLAI MODY OF UNIT 22/23 THE IO CENTRE 59-71 RIVER ROAD, BARKING IG11 0DR

4. the name and full address of the superior landlord (if applicable) THE FREEHOLDER IS LILY MYERS LIMITED

5. Is the whole of the premises to be used under the licence?
 - a) Yes
 - b) No

6. If "no" please state which part of the premises is to be used for the purpose of the licence:

THE GROUND AND FIRST FLOOR AREAS AS SHOWN ON THE LAYOUT DRAWINGS

 - a) the use to which the remainder of the premises is put
THE SECOND FLOOR IS USED FOR STAFF MEMBERS ONLY COMPRISING OF STAFF KITCHEN, OFFICE AND TOILETS

 - b) the name(s) of those who are responsible for the management of the remainder of the premises
MR WAI YING NICKY CHAN

7. Is the premises to be used for the purposes of the licence, so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?
 - a) Yes
 - b) No

If "No" please state the applicant's proposals for affording such access

7. Is the premises, vehicle, vessel or stall which is to be used for the purposes of the licence, in use as a sex establishment at the date of this application?

- a) Yes
- b) No

If the answer is "Yes", please state the name and full address of the person(s) or body who operated the premises, vehicle, vessel or stall as a sex establishment at the date of this application, and the date (where known) the premises, vehicle, vessel or stall was first used as such

If the answer is "No" please state the purpose(s) it is currently being used for THE PREMISES ARE NOT CURRENTLY TRADING AS AN SEV DUE TO THE RENEWAL APPLICATION BEING A DAY LATE BUT THEY HISTORICALLY HAVE TRADED AS AN SEV FOR THE LAST 4 YEARS

Section E: Current Licences

1. Is the Premises licensed under any other Act (e.g. the Licensing Act 2003)?

- a) Yes
- b) No

2. If yes, please provide details of the licence(s), including the name of the Licence Holder and any Designated Premises Supervisor

PREMISES LICENCE NUMBER 29258, PREMISES LICENCE HOLDER SANTOSH NAIR, DPS WAI NICKY CHAN (DPA VARIATION PENDING)

Section F: Business Details

Each person named in this section will need to complete Part 2 of the application – Personal Details Form

1. Under what name will the business be trading? CLUB OOPS

.....

2. If the applicant is a company or other corporate body, please give the names of the applicants directors and company secretary:

Name

.....

.....

.....

.....

.....

.....

.....

.....

Use additional sheets to continue if necessary

2. Is the whole of the business owned by the applicant, and the applicant does not share the profits of the business with any other person or body?

- a) Yes
- b) No

If the answer is “No”, please state the name(s) of those who will share in the profits of the business. In each case, please state the percentage share of the profits to be taken by each person or body involved in the ownership of the business

Name	Percentage share
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Use additional sheets to continue if necessary

Section G: Advertising Details

When considering types of advertising in this section, please refer to the Councils Standard Conditions on Touting for Business and Premises Appearance, which are attached to the Sex Establishment Policy

1. What advertisement(s) or display(s) are to be exhibited on the exterior of the premises? THE CLUB NAME IS DISPLAYED ON THE FRONTAGE OF THE PREMISES AND AN ILLUMINATED BOX IS MOUNTED ON THE SAME FRONTAGE. THIS DISPLAYES OPENING HORUS AND A SUMMARY OF THE HOUSE RULES/CUSTOMER CODE OF CONDUCT) AS HAS ALWAYS BEEN THE CASE WHEN THE PREMISES WERE LICENSED.

2. Please state the size(s) of any advertisement(s) or display(s) mentioned in the above question

- i) THE ILLUMINATED GLASS BOX ON THE FRONTAGE MEASURS 92CM BY 62CM
- ii) THE SHOP FRONT SIGNAGE MEASURES 90CM (H) BY 316CM (W)

3. Please state any proposals for solicitation of the business in public areas. E.g. fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles

THE CLUB HAS A WEBSITE AND MARKETS ITSELF VIA THIS AND SOCIAL MEDIA (TWITTER). THE CLUB DOES NOT ENGAGE IN PERSONAL SOLICITATION, TOUT FOR CUSTOMERS ON THE STREET AND DOES NOT HAVE A BRANDED VEHICLE.

Section H: Operation of the Premises

1. Please state the proposed opening times of the premises, vehicle, vessel or stall:
(Gives times in a 24h clock format)

Day	Opening	Closing
Monday	11.00	04.00
Tuesday	11.00	04.00
Wednesday	11.00	04.00
Thursday	11.00	04.00
Friday	11.00	04.00
Saturday	11.00	04.00
Sunday	11.00	04.00

2. What means are to be taken to prevent the interior of the premises, vehicle, vessel or stall for which the licence is sought from being visible to passers-by?

THE INTERIOR IS NOT VISIBLE TO ANY PASSER BY. THE GLASS FRONTAGE IS ALWAYS LOCKED AND ALWAYS WILL BE WHEN SEV ACTIVITY IS PROVIDED. THERE IS ALSO FURTHER BLACK OUT GLASS. ACCESS AND EGRESS FOR CUSTOMERS IS VIA ONE DOOR ONLY AND THIS DOOR IS NOT LEFT OPEN. THE INSIDE OF THE VENUE IS NEVER VISIBLE TO PASSERSBY

3. Have you read and understood the Councils standard conditions for sexual entertainment venues?

- a) Yes
- b) No

4. Are you able to comply with the Councils standard conditions for sexual entertainment venues?

- a) Yes
- b) No

If no, please give the reasons why not:

5. Please give details of any additional conditions you would like to propose, or conditions you like to amend or remove. The Council will expect applicants to address the following factors:

- a) Preventing nuisance to residents and businesses in the vicinity
- b) Public safety
- c) Preventing crime and disorder
- d) Protecting children from harm
- e) Procedures for checking employees age and right to work in the UK
- f) Procedures for training of all staff in the Code of Conduct for Dancers, and for compliance with licence conditions and requirements
- g) Procedures for notifying customers of the Dancers code of conduct
- h) System for monitoring compliance with the venues policy for welfare of dancers

THE STANDARD CONDITIONS FOR SEV'S ARE OFFERED WITH THE APPLICATION AS ATTACHED TO THE PREVIOUS LICENCE (COPY ATTACHED). IN THE PREVIOUS 4 YEARS OF OPERATION THESE WERE FULLY COMPLIED WITH AND NO PROBLEMS EVER AROSE. AS SUCH, NO ADDITIONAL CONDITIONS ARE BELIEVE TO BE REQUIRED ABOVE THOSE ATTACHED TO THE PREVIOUS LICENCE.

Section I: Management of the Premises
Each person named in this section will need to complete Part 2 of the application – Personal details form

1. Please give the name of the person who will be responsible for the day to day management of the premises. (“the Manager”)

 Name: MR WAI YING NICK CHAN
 Role: GENERAL MANAGER

2. Will this person be based at the premises and will the management of the premises be their sole and exclusive occupation?

- a) Yes
-
-
- b) No
-

3. If no, then please give details of how they are responsible for the day to day management, and what other arrangements are in place for the management of the premises.

4. Which person(s) will be responsible for the day to day management in the absence of the Manager (Use continuation sheets if necessary):

 Name: MR SANTOSH NAIR
 Role: OWNER

 Name:
 Role:

 Name:
 Role:

 Name:
 Role:

 Name:
 Role:

 Name:
 Role:

 Name:
 Role:

 Name:
 Role:

5. Please confirm that at least one of the people named in this section will be at the premises at all times whilst it is open.

- a) Yes
-
-
- b) No
-

Section J: Details of any further information relevant to this application

Please state below any further information which the applicant would wish to be taken into account when this application is considered (This space may also be used to amplify answers to any previous questions)

THE APPLICATION IS REALLY A LATE RENEWAL OF THE PREVIOUS LICENCE. AS SUCH, THE NIL POLICY SHOULD NOT APPLY TO THIS APPLICATION (NOTING THAT THESE PREMISES ARE CURRENTLY INCLUDED IN THE LIST OF PREMISES IN LB TOWER HAMLETS WHICH HAVE THE BENEFIT OF A LICENCE. THE PREMISES HAVE NEVER CAUSED PROBLEMS AND THE OWNER APPLIED FOR THE RENEWAL ONE DAY LATE THINKING THIS WAS IN TIME AND AS SUCH WAS AN ADMINISTRATIVE ERROR.

THE MANAGERS BOTH HAVE EXTENSIVE EXPERIENCE IN RUNNING SEV VENUES AND THE FLOOR PLANS AND LOCATION PLAN SUBMITTED ARE IN LINE WITH THE SEV POLICY. THEY ARE THE SAME AS THE PREVIOUS LICENCE APPLICATIONS TOO.

THE PERFORMERS CODE OF CONDUCT IS IN PLACE AND UNCHANGED AS IS THE PERFORMER'S WELFARE POLICY.

SIMILARLY, THERE IS A CUSTOMER CONDE OF PRACTICE/CONDUCT WHICH IS THE SAME AS PREVIOUSLY OPERATED.

AS SUCH, THESE ARE WELL RUN PREMISES WHICH DO NOT CAUSE PROBLEMS AND THIS IS EFFECTIVELY A LATE RENEWAL APPLICATION.

Section K: Additional documentary requirements

The applicant must provide the following documentation, in addition to those documents already requested in prior sections of this application form.

	Documents included with this application	Included
1	The prescribed fee by a cheque made payable to the London Borough of Tower Hamlets (LBTH). You can also phone 020 7364 5008 or http://www.towerhamlets.gov.uk/pay	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2	Written consent of the lawful occupier of the premises or land who has control over the premises or land	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3	Code of practice for dancers/performers	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4	Policy for welfare of dancers/performers	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5	Code of practice for customers	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
6	A personal details form (Part 2 of the application form) for each person named in the application	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7	A basic DBS check for each person named in the application	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
8	A recent passport size photograph for each person named in the application, each copy bearing the name in block capitals of the person whose likeness it bears.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
9	A site/location plan, (scale 1:1250) to show the location of the premises	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
10	<p>A premises plan (scale 1:100) of the premises, vehicle, vessel or stall in respect of which the licence is sought, showing:</p> <ul style="list-style-type: none"> a) The internal layout of the premises including stage, bars, cloakroom, WCs, performance areas, dressing rooms, kitchen, and any external areas to be used (e.g. smoking areas). b) Public areas and staff/private areas to be clearly defined c) Uses for different areas in the premises (e.g. performance areas, reception etc.) d) Any fixed structures or objects e) all means of ingress and egress from the premises f) Position of CCTV cameras g) The location and type of any fire safety and any other safety equipment h) The location of emergency exits i) The position of ramps, lifts or other facilities for the benefit of disabled people. j) Any parts of the premises that may be inaccessible to disabled people. <p><i>Other standard metric scales may be acceptable if more practical for the size of the premises.</i></p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
11	A drawing (scale 1:100) showing the front elevation as existing (and as proposed if changes are to be made to it) of the premises, vehicle, vessel or stall in respect of which the licence is sought. Other standard metric scales may be acceptable if more practical for the size of the premises.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Evidence of public notice and service	
12	Complete copy of the newspaper advert advertising the application	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
13	Copy of the notice displayed on or near the premises advertising the application	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
14	Copy of affidavit or statutory declaration that the notice of application has been displayed on or near the premises, in a place where the notice can be conveniently read by the public as required by paragraph 10(10) schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
15	Evidence of the due service upon the Chief officer of police as required by paragraph 10(14) schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended), of a copy of this application and its required documentation.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Section L: Correspondence and Contact Details for the Application

Please give details of the person who may be contacted in relation to this application

Name: Jeremy Bark
 Organisation: BCLP
 Postal Address: Governors House, 5 Laurence Pountney Hill, London EC4R 0BR
 Telephone Number:
 Email: [REDACTED]

Position/role: Solciitor and authorised agent for the applicant
 (Solicitor/Agent for the applicant)

Section M: Private Information

Is there any information on this form which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen. Please note, any requests of this nature will be dealt on a case by case basis, and you will be contacted to discuss further if the information is considered necessary for public disclosure.

Section N: Declaration and signature of applicant

The declaration must be signed in all cases :

- a) If the applicant is an individual, by that individual
- b) If the applicant is a partnership, by all individuals who are partners
- c) If the applicant is a company, by a director or the company secretary
- d) In any other case by a duly authorised officer of the applicant

I acknowledge that I have received a copy of the standard conditions applicable to a sex establishment licence within the London Borough of Tower Hamlets, and declare that the information given within this application form, to the best of my knowledge, is true and complete in every respect.

Please use extra pages if necessary

Name: <u>BCLP</u>	Signature	<u>BCLP</u>
Position <u>Solicitors and authorized agents</u>	Date	<u>22 June 2022</u>

Name: _____	Signature	_____
Position _____	Date	_____

Appendix 4

Kathy Driver

From: Jeremy Bark <[REDACTED]>
Sent: 04 August 2022 12:47
To: Tom Lewis
Cc: [REDACTED] Licensing
Subject: RE: Club Oops, 30 Alie Street, London Ref: M/150515 - Objection

Follow Up Flag: Follow up
Flag Status: Completed

Tom

Many thanks for your email.

Please let me know when you are free to discuss your objection.

I also wanted to point out that there appears to be a factual error in your letter of objection.

The renewal application was lodged one day late but could not be accepted by LBTH despite being one day late (due to an administrative error on the part of the applicant) – the case of TC projects might also be relevant there. On the back of that, my client sought legal advice and instructed this firm. There were extensive discussions between this firm and the licensing team to agree that a new licence application should be lodged in those circumstances (essentially a late renewal) and we addressed the policy issues that then arose under the local authority policy.

I also note that the LBTH SEV policy explicitly refers to and recognises these premises as existing licensed premises in the context of the nil policy. As such, although the process is a new licence effectively the application is a “late renewal” of the licence.

We understand that none of the other statutory authorities have objected nor anyone else, which we believe is a reflection of how well the premises have been, an understanding that a simple mistake was made and that no policy issues arise in this case. I understand and note that there has not been a single compliant from any statutory authorities during my client’s operation of the premises in each of the years when a licence was in force. Similarly, I understand there were no issues under the previous operator. The premises remain closed but these were and will remain well run premises with an established history which also provide employment and which do not cause actual problems. No doubt had the police had any concerns about the fitness of the operator or the operation then they would have objected but they have confirmed in writing, as I understand it, there are no objections their part.

We would welcome the opportunity to discuss your concerns to see if they can be overcome.

Yours sincerely



JEREMY BARK
Associate Director
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK



Appendix 5

**(Flamingos)
30 Alie Street
London
E1 8DA**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by


**David Tolley
Environmental Health & Head of Trading Standards**

Date: 10th March 2006

**Varied 8th September 2009
Minor Variation (layout) 8th January 2014**



Part A - Format of premises licence

Premises licence number

21589

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Flamingos)
30 Alie Street

Post town

London

Post code

E1 8DA

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 03:30 hours the following day

Regulated Entertainment consisting of:

Recorded Music:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 03:30 hours the following day

Performances of dance, provision of facilities for dancing:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 03:30 hours the following day.

On New Year's Eve all licensable activities may continue from the end of normal permitted hours to the commencement of permitted hours on the following day.

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 04:00 hours the following day.

On New Year's Eve all licensable activities may continue from the end of normal permitted hours to the commencement of permitted hours on the following day.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On sales only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Santosh Nair
8 Whitfield Road
Bexleyheath
DA7 5LR

Contact no: [REDACTED]

Email: [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Wai Yin Nick Chan
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 13/17596/LAPER
Issuing Authority: London Borough of Newham

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price

- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

Conditions Agreed with the Metropolitan Police

1. All references to striptease in these conditions shall be deemed to apply to all forms of striptease or nudity by male or female performers.
2. At least one Personal Licence Holder shall remain on the premises at all times during licensed hours when the premises are open and trading.
3. At least four SIA registered Door Supervisors will remain on the premises at all times during licensed hours when the premises are being used as a table dancing venue. This number may be reduced to two before 20 00 hrs.

4. The Designated Premises Supervisor (DPS) will ensure that at least one member of staff with specific obligation to ensure compliance with the performers/dancers code of conduct, will be present at all times when the premises are open for striptease, table or pole dancing.
5. CCTV with time and date recording facility to be installed and maintained at the club in accordance with the advice of a Metropolitan Police Crime Prevention Officer. Recording media to be retained for at least 30 days and to be readily available for inspection by the Police or other statutory authority. At least two people will be trained to operate the recording equipment and be competent in its operation. A least one trained person shall be on premises at all times when the club is open and trading.
6. A Code of Conduct for Performers/Dancers to be lodged with the Police and Licensing Authority. All Performers/Dancers must sign the code of conduct as agreed by the Police in their proper name acknowledging they have read and understood, and are prepared to abide by the said Code of Conduct and copies so signed should be retained by the DPS and be readily available for inspection by the Police and Licensing Authority. Any breach of the agreed code of conduct shall constitute a breach of condition.
7. Details of all work permits and/or immigration status relating to persons working at the Oops Club shall be retained by the DPS and be readily available for inspection by Police or Immigration Officer.
8. Menus and drinks' price-lists shall be clearly displayed at the front entrance, reception and bar in such a position and size as to be easily read by customers. This price list should show all consumable items and any minimum tariff including charges or fees applicable to hostesses. The menus and drinks price-lists will also be on all tables.
9. A permanent written record will be maintained in the form of a refusals book kept at the club. This record will be signed by the DPS/Manager on a daily basis and record the details of any customer who refuses to pay his/her bill giving details of the customer's name, contact details and a detailed copy of the bill. This is to be available to the Police and/or Licensing Authority on demand.
10. A record will be kept at the club of the real names, addresses, stage names of all the hostesses/dancers, which will be readily available to any Police Officer and/or the Licensing Authority.
11. A notice outlining a Code of Conduct for the customer shall be positioned at the entrance, reception and bar area. It shall be of an adequate size and in such a position where it can be easily read and understood by the customer.

12. All hostess activity shall be conducted openly and at no time shall hostesses entertain customers in areas of the premises that are screened or curtained off from the view of the DPS (or other person acting with equivalent authority).
13. An incident book will be maintained at the premises. Upon request, it will be readily available for inspection by the police or other Licensing Authority.
14. There shall be no soliciting for custom by means of persons on the highway or any payment made to them by or on behalf of the DPS.
15. Whilst striptease is taking place no person under the age of 18 shall be allowed on any part of the premises and a notice shall be displayed in clear terms at each entrance that:-

NO PERSON UNDER 18 TO BE PERMITTED

16. On any day when the premises are open for entertainment not involving striptease, prior to striptease becoming available, a notice shall be prominently displayed in a conspicuous position on the premises. This should be displayed at least one hour before striptease performances are due to start, advising customers when those performances are to commence.
17. The striptease entertainment shall be given only by paid performers/entertainers who are engaged exclusively for that purpose.
18. There shall be no physical participation by the audience and no contact between the performer/dancer and any of the audience during performances. There shall be no physical contact between the performers/Dancers.
19. There shall be no striptease performance to customers seated at the bar, or to standing customers. Performers/Dancers shall only perform on the designated stages, designated podiums or to seated customers at a table.
20. On each of the designated stages, there shall be no more than two performers at any one time.
21. The VIP area on the ground floor will be under constant supervision by either the DPS or a Door Supervisor. This is to ensure the safety of the Performers/Dancers and to ensure they are complying with their code of conduct.

22. Any performance will be restricted to dancing and the removal of clothes, there must not be any other form of sexual activity.
23. All striptease shall take place in an area which is not visible from the street or overlooking buildings.
24. The Performers/Dancers shall be provided with a changing room which must be separate and apart from public facilities.
25. There shall be no sexually explicit external advertising likely to cause offence as to the nature of the activity being held at the premises.

Conditions agreed with Environmental Health Officer:

26. First Floor: The door from the smaller VIP penthouse area to the flat roof does not lead to a place of safety and may not be designated as a fire exit. The door shall be provided with a security lock to prevent unauthorised use.
27. The door from the first floor leading to the upper storeys should have a security lock to prevent unauthorised access to the upper storeys, which are not part of the licensed premises. A sign marked "PRIVATE" will be provided on the door.
28. Ground Floor: All exit doors from the ground floor at the front of the premises shall open in the direction of escape.
29. The double doors separating the customer seating area from the private dance area also provide an alternative escape from the ground floor and these shall be hung to open in the direction of escape.
30. An additional fire alarm call point will be provided next to the door giving exit to Alie Street from the enclosed staircase.
31. The door attached to the reception desk be hung to open in the direction of escape (or may be double-swing).
32. All exit signs to be "maintained" fittings, illuminated by both mains and emergency lighting.
33. All external windows should be obscured to prevent persons outside from seeing entertainment of an adult nature, e.g., striptease, pole dancing or lap dancing.
34. The external advertising to the frontage of the premises shall be limited to that shown on Drawing "Oops 1" attached to this Licence.

35. The Rules of Management (a copy of which are annexed to this Licence marked "Oops 2" are required to comply with the requirements of the Licensing Authority's Licensing Policy.

Conditions agreed with the Fire Service:

36. A fire alarm with smoke detection in accordance with BS5839 Part 1 (L2) system.
37. Emergency lighting in accordance with BS5266.
38. Stairway from basement to first floor to conform to a protected stairway, with all walls and doors or 300 mm fire resistance.
39. Kitchen to be enclosed in 30 mm fire resistant construction.
40. Fire-fighting equipment and fire signage should be in accordance with current British Standard.
41. The safe capacity of the premises is to be as agreed with the Fire Authority.
42. Details of evacuation procedure to be made available to the Fire Authority.

External area:

43. The external area to the front of the premises in Alie Street shall be delineated and set out as per the Drawings in "Oops 1" attached hereto. The external area to the front of the premises in Alie Street shall not be used at any time for the provision of regulated entertainment and for the sale of retail alcohol after 23.00.

Children:

44. Any advertising or promotion at, on or in the premises for entertainment, services or activities of an adult nature (and in particular striptease, table dancing and pole dancing) shall be appropriate for all ages to see if or when attending the premises at any time when such adult entertainment, services and activities are not provided.

Annexe 3: Conditions agreed at Committee Hearing for variation on 8th September 2009

1. Noise limiters are to be employed in a separate and remote (from the volume control) lockable cabinet and fitted to the music amplification system.

2. No supplementary sound system to be used.

Annex 4 – Plans

The Plans are those Plans submitted to the Licensing Authority on 20th December 2013 (Ground, First and Second floors – Drawing No: 156 A001 rev2).



Part B - Premises licence summary

Premises licence number

21589

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Flamingos)
30 Alie Street

Post town

London

Post code

E1 8DA

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:
Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 03:30 hours the following day

Regulated Entertainment consisting of:
Recorded Music:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 03:30 hours the following day

Performances of dance, provision of facilities for dancing:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 03:30 hours the following day.

On New Year's Eve all licensable activities may continue from the end of normal permitted hours to the commencement of permitted hours on the following day.

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 hours to 04:00 hours the following day.

On New Year's Eve all licensable activities may continue from the end of normal permitted hours to the commencement of permitted hours on the following day.

Name, (registered) address of holder of premises licence

Santosh Nair
8 Whitfield Road
Bexleyheath
DA7 5LR

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On sales only

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

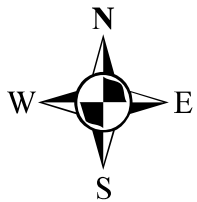
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Wai Ying Nicky Chan

State whether access to the premises by children is restricted or prohibited

Prohibited

Appendix 6

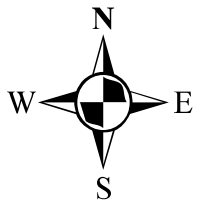


30 Alie Street



Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries



30 Alie Street



Legend

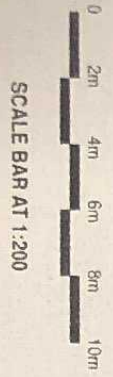
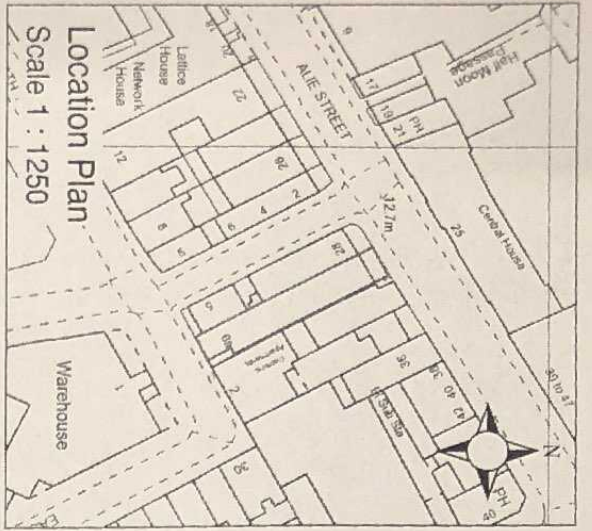
Ward Boundaries

Ward Boundaries

LAP Boundaries

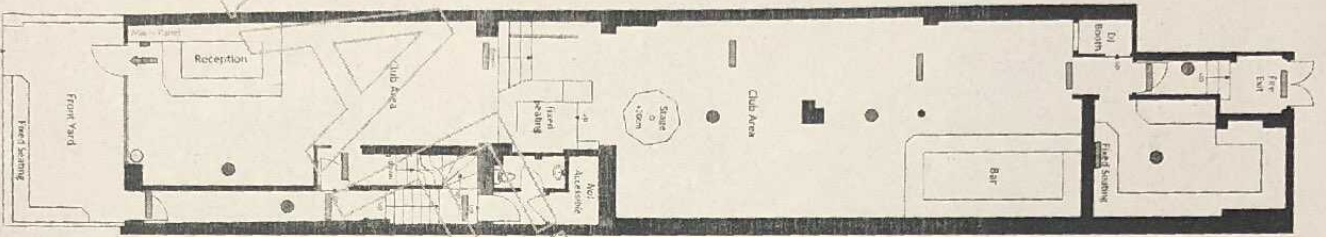
LAP Boundaries

Appendix 7



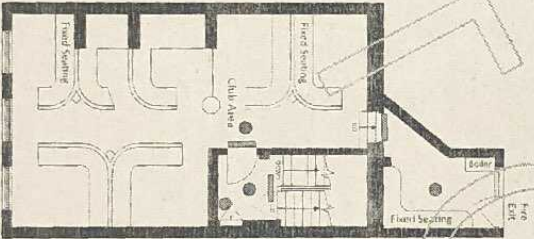
SCALE BAR AT 1:200

Basement

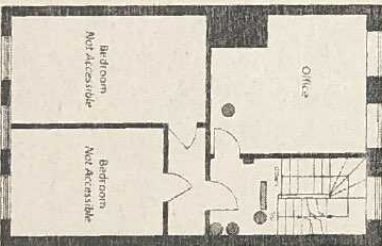


Ground Floor

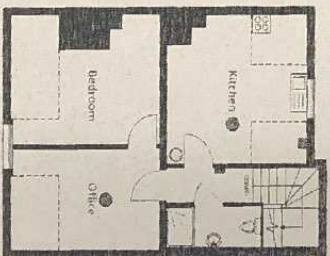
First Floor



Second Floor



Third Floor



LEGEND	
	Emergency Light
	Fire Alarm Button
	Fire Escape Sign
	Fire Blanket
	Smoke Alarm
	Water Extinguisher
	CO2 Extinguisher
	Foam Extinguisher

Commercial Premises
 30 Allie Street
 London
 E1 8DA

Scale 1:200

NOTES

Magnolia Square Limited
 57 Rathbone Place
 London
 W1T 1JU

020 7479 4855



PRINT AT A4

PROJECT
 30 Allie Street
 London
 E1 8DA

MEASURED SURVEY

DRAWING TITLE

LICENSING PLAN

SCALE DATE

1:200 Aug 2016

DRAWING NUMBER

1 11525

Appendix 8





Appendix 9



Club
Oops..!

CUSTOMER HOUSE RULES: CODE OF CONDUCT FOR OUR CUSTOMERS

We want you to enjoy your evening at CLUB OOPS. However we have a few "House Rules" that are here for everyone's benefit and protection, so we would appreciate it if you can take a few minutes to read the following carefully.

PLEASE DO NOT UNDER ANY CIRCUMSTANCES MAKE ANY PHYSICAL CONTACT OR TOUCH ANY PERFORMER DURING HER PERFORMANCE. ANY CUSTOMER WHO DOES NOT RESPECT THIS RULE AND WHO ATTEMPTS TO MAKE PHYSICAL CONTACT WITH A PERFORMER WILL BE ASKED TO LEAVE.

PLEASE NOTE THAT THERE MUST BE NO INTENTIONAL PHYSICAL CONTACT BETWEEN A PERFORMER AND A CUSTOMER OTHER THAN THE TRANSFER OF MONEY OR A TOKEN AT THE BEGINNING OR END OF A PERFORMANCE. FOR THE AVOIDANCE OF DOUBT A HANDSHAKE IS PERMITTED, BUT KISSING IS NOT PERMITTED.

PLEASE DO NOT ATTEMPT TO PHOTOGRAPH, FILM OR ELECTRONICALLY RECORD ANY PERFORMANCE.

THERE MUST BE NO AUDIENCE PARTICIPATION IN ANY PERFORMANCE.

NO CUSTOMER CAN BE ADMITTED OR BE ALLOWED TO REMAIN ON OUR PREMISES IF THEY ARE DEEMED INTOXICATED OR UNDER THE INFLUENCE OF ILLEGAL SUBSTANCES.

PLEASE DO NOT THROW GRATUITIES OR OTHER ITEMS AT A PERFORMER.

THE FRONT DOOR OF OUR PREMISES MUST REMAIN CLOSED, OTHER THAN FOR THE PURPOSES OF EXIT AND ENTRY. PLEASE ENTER AND EXIT THE PREMISES PROMPTLY TO AVOID US BREACHING THIS RULE.

PLEASE RESPECT OUR PERFORMER'S PRIVACY AND DO NOT ATTEMPT TO ENTER ANY PRIVATE AREA, DRESSING ROOM OR CHANGING ROOM AREA.

OUR PREMISES ARE MONITORED BY CONSTANT CCTV FOR THE SAFETY AND PROTECTION OF ALL OF OUR PERFORMERS AND OUR CUSTOMERS.

CUSTOMERS ARE NOT PERMITTED TO ENTER ANY TOILET CUBICLE IN THE COMPANY OF A PERFORMER. PLEASE ENSURE THAT ONLY ONE PERSON AT A TIME ENTERS A TOILET CUBICLE.

ALL CUSTOMERS MUST BE OVER THE AGE OF 21 YEARS OLD AND ANYONE WHO APPEARS TO BE UNDER THE AGE OF 21 WILL BE ASKED TO PROVIDE A PASS SCHEME APPROVED PHOTOGRAPHIC FORM OF I.D.

OUR DRINKS MENU AND PERFORMANCE TARIFF WITH PRICES ARE CLEARLY DISPLAYED AT THE RECEPTION, BAR AND ON EACH OF THE TABLES. LAST ORDERS FROM THE BAR AT 3:30 AM. ALL BEVERAGES MUST BE CONSUMED BY 4AM WHEN THE PREMISES CLOSE.

Thank you for taking the time to read our House Rules. Your understanding and assistance in this is greatly appreciated. Please do not hesitate to ask a member of club staff if you have any queries.
The Management, CLUB OOPS.

CODE OF CONDUCT FOR PERFORMERS.

1. INTRODUCTION:

As a Performer at Club Oops you will be expected to conduct yourself in a professional and mature manner at all times. Your sincerity, courtesy, thoughtfulness and friendliness should create a positive atmosphere, in which customers can relax, encouraging them to return again and again. Every Performer's behaviour, conduct and performance at Club Oops is important.

2. WHEN APPLYING TO WORK AS A PERFORMER:

You must be over 18 years of age and legally entitled to work in the United Kingdom and proof of eligibility to work in the UK will be required. We are required to keep a record of each of our performers, including your (full) proper name and any aliases, together with your residential address. We are also required to keep a clear copy of a form of photographic ID and also proof of your address. Examples are your passport, driving licence, bank statement or utility bill, less than 3 months old at the time that we take a copy. We will also keep a copy of your proof of entitlement to work in the UK.

3. IF YOU ARE UNABLE TO ATTEND FOR YOUR SCHEDULED BOOKING:

If you are unwell or cannot attend your chosen scheduled performance booking on any evening you should call the management before 2pm on the day you have requested to work at Club Oops.

4. FAILURE TO REPORT AS SCHEDULED:

If you repeatedly fail to arrive on the evenings you say you will, it may result in your not being allowed to dance at Club Oops.

5. TOUCHING:

Club Oops is governed and regulated by law, under its licences, in liaison with the Metropolitan Police and the London Borough of Tower Hamlets and certain rules and regulations apply. You, as a self-employed person, operation in licensed premises, have to operate in accordance with the rules. CODE OF CONDUCT FOR PERFORMERS REGARDING PHYSICAL CONTACT: a. No physical participation by the customers during performances. b. No physical contact between the Performer and any of the customers before, during or after performances. c. No performances for customers seated at the bar or to standing customers. d. Performer shall only perform on the designated stages, designated podiums or to seated customers at a table. e. Performer will be restricted to the removal of clothes and there must not be any form of sexual activity. f. No more than two Performers on stage at the same time. g. No full body physical contact between Performers h. No touching each other's breasts

or genitalia with either bodies or objects. i. Performance to be restricted to removal of clothes – no other form of sexual activity or acts of personal stimulation. j. If a customer touches a Performer during a performance the Performer must immediately cease her performance and ask the customer to keep his hands by his side. If the customer persists the Performer must walk away from the customer and inform management or Security. k. At the conclusion of a performance there must be no intentional physical contact between a Performer and the customer, other than a handshake. Even a kiss on the cheek is not permitted and it's a breach of our licence. l. After each performance you must re-dress immediately once the performance ends.

6. OPENING TIMES:

Club Oops table dancing performances start at 18.30 pm. Last orders are called 3.30am. Club Oops will be closed on Saturdays and Sundays. If you wish to maximise your potential gratuities we recommend that you arrive well before table dancing performances start.

7. BEHAVIOUR OUTSIDE CLUB OOPS:

Your professional behaviour outside Club Oops is very important in maintaining your image and Club Oops reputation. You are therefore, advised to arrive and leave Club Oops in smart and appropriate clothing. You are also requested not to arrive or leave in a noisy or offensive manner, as there are many residents living close by.

8. DRESSING ROOM AND TOILETS:

a. The Dressing Room is out of bounds to members of the public. If you see any customer in the Dressing Room area, or attempting to enter it, please inform a member of management or the security team immediately. b. Customers must not enter or remain in toilet cubicles in the company of any Performer. c. Only one person at a time can enter a toilet cubicle. d. Lockers are provided for your convenience and security. You must remember to bring your own suitable size padlock. It is suggested that you keep your property neat and tidy so that when you change you can do so in a minimum amount of time. If there are no lockers available you are advised to bring a small lockable holdall or suitcase. e. The management strongly recommends that you do not leave anything of value unattended. If you do not attend on your chosen evening, management reserves the right to remove your padlock from the locker so that it is available for another Performer. f. The management will remove the contents for which they will not be held responsible. You are reminded that for reasons of safety and security, CCTV covers the Performer's dressing room which will be inspected regularly throughout the evening by the House Mother and management. The management reserve the right to inspect your personal property, in your presence, at any time.

9. PERFORMER ENTRY FEES:

Performers must sign in when arriving and pay their entry fee. The payment, which varies from day to day, must be paid in full upon entry.

10. PERSONAL HYGIENE:

Performers are advised to shower daily before arrival, use antiperspirant/deodorant and have clean shaven legs and underarms. Performers are also advised to keep breath spray or mints in their locker. All Performers are requested to wear perfume whilst in Club Oops. Club Oops have a shower for those who do not have time to shower before starting their chosen evening's session.

11. DRESS CODE:

The Performers dress code is extremely important both for you and for Club Oops image. You are requested to wear long evening dresses and thin high-heeled shoes. Hair, make-up and jewellery should also always be of the highest standard. Occasionally on busy day we may have in a Make Up Artist and Hair stylist to help you. You must remain fully clothed whilst working unless you are performing on one of the designated areas or you are changing in the dressing room.

12. DRINKING AND EATING:

It is the policy of Club Oops not to encourage excessive drinking of alcoholic beverages by Performers and customers. If guests invite you to eat with them at Club Oops you may accept. The management or House Mother has the right and obligation to take you off the floor if they feel that you are becoming intoxicated. Water is always available from the bar.

13. SMOKING AND GUM:

Performers must smoke in outside designated areas only and wear a long, buttoned up coat. Chewing gum is not permitted in Club Oops as its disposal is problematic and does not give a good impression.

14. MOBILE TELEPHONES:

The management request that all mobile telephones should be left in your locker or in the changing room. For safety reasons Club Oops prefers that Performers do not make or receive telephone calls on the floor. Disregarding this request may endanger persons around you and as a consequence you may not be allowed to attend Club Oops in the future.

15. STAGE AND TABLESIDE DANCING: (NOT A CHARGE IMPOSED BY CLUB OOPS)

It is customary for Performer to expect to receive a gratuity from the customer, per single track, of £20 for each fully nude dance. Performers are only requested to dance in the designated area or on the stage. Performers are also requested to promote themselves by performing their signature dance on stage in order to make the customer aware of each Performer.

16. DATING:

Your personal life away from Club Oops is your own business. However, it is the policy of Club Oops that the staff do not date any of the Performers. Contravention of this important aspect may result in one of you not being allowed on the premises or you or they may be asked to work alternative shifts to avoid working together. In order to maximise your gratuities for the evening, you are

encouraged to spend as much time with customers as possible, as opposed to chatting with staff and other Performers.

17. TABLE GRATUITY: (NOT A CHARGE IMPOSED BY CLUB OOPS)

If a customer invites you to their table, for any long period of time, you are advised to make it clear that whilst you are sitting with them, as their guest, it is usual practice for a customer to offer a gratuity for table accompaniment. The management (purely as a suggestion) suggests that you could receive £380 per hour or part thereof, for the time that you are seated with a customer, at their table.

18. YOUR GRATUITIES:

It is the Performer's responsibility to collect any gratuities that the customer may give for table, stage dancing or table company with a customer (see clause 17). If possible, the amount should be discussed or agreed with the customer, which can be received prior to the dance being performed. Club Oops's staff or management will not become involved in collecting any gratuities if the customer does not give the Performer gratuity.

19. RISK AND REWARD:

There is no guarantee that the Performer will receive any gratuities from customers for table dancing or table company or that there will be enough customer for all Performers on quiet nights. It is the Performer's obligation, on her chosen evenings to attend to: 1. Pay and make her own arrangement to travel to Club Oops: 2. Pay for and make any domestic and other arrangements necessary, in order to attend Club Oops: 3. Pay the required entrance fee to Club Oops (there is no refund if the Performer leaves early): 4. Pay for and provide all clothes, shoes, handbags, jewellery, perfume, make up, hair dressing, body tan etc.: 5. Pay for any drinks or food she may require, unless paid for by a customer: 6. Understand that any gratuities received via Club Oops money, can be converted to UK Sterling, which will be subject to a handling commission in force, at the time, on the face value: Club Oops will not make any contribution to the above or assist in collecting any gratuities offered by a customer:

20. CLUB OOPS MONEY:

In the event that customers are short of cash to tip the performer for her table Performer or for sitting at their table, Club Oops Money is available for the customers to acquire, via their credit/debit card or other currency. These can be exchanged at the end of the evening, via the House Mother or management, for UK Sterling, subject to the cashing up of the Club Oops Money commission in force, at the time.

21. PARKING AND TRAVEL TO/FROM THE CLUB:

There is restricted parking in and around Club Oops premises. If you bring your vehicle to the premises please ensure that you do not park in restricted areas. At the end of the evening all Performers are advised to report to the House Mother or management who will arrange if requested, for you to be accompanied to your vehicle. However, if you are being collected at the end of the evening, for the purposes of your own safety, you should advise the House Mother or

management at the beginning of the evening. If your plans for getting home change, please inform the management or House Mother.

22. LEAVING AND LEAVING EARLY:

If you leave early, there will be no refund of Performers' entrance fee. If you have a medical emergency during your session an ambulance will be called and you will be taken to hospital. If you simply do not feel well you should immediately see the Manager or House Mother. They have a first aid kit, including tampons and plasters etc and will find you a comfortable place to rest until you feel better and can resume your performances, unless you are judged unfit to continue.

23. PARTNERS:

Partners are requested not to attend Club Oops when you are on the premises. If a special occasion arises where you have friends or relatives visiting and you or your partner would like to show them Club Oops, the management may grant them entry, if management is notified in advance.

24. PROBLEMS:

In the case of any problems or disputes arising from your performance and/or behaviour at Club Oops you are advised to first refer them to the General Manager, or if appropriate the House Mother.

25. HOUSE RULES:

Performers must always abide by the general house rules you will be notified of any variations to these rules. ZERO TOLERANCE VIOLATIONS the following is a list of violations, which, if contravened, will result in instant removal from Club Oops:

26. RUDENESS TO ANY CUSTOMER:

Club Oops expects Performer to treat customers with courtesy and respect. At no time should a Performer attempt to deal with a disorderly customer they must seek assistance from management or Security.

27. DISHONESTY:

Theft by Performer of money or property from Club Oops, its customers, employees or other Performer will result in being barred from Club Oops. Theft includes removal of money from a customer's table, or their person or the giving away of Club Oops VIP promotion cards, without prior consent of the management.

28. FIGHTING:

Fighting or wilful acts resulting in injury to others whilst on Club Oops premises is prohibited as is harassment, arguing or fighting between Performers. Additionally, it is Club Oops policy never to use force of any kind with a customer regardless of the situation and any action is to be limited to Security staff. In no instance is it acceptable for a customer or any other individual to strike or physically assault anyone, and if they do they will be removed from the premises. Your personal

safety is paramount and if you are harassed by any customer you should immediately call the Manager, House Mother, Security or management.

29. INTENTIONAL MISUSE OR DESTRUCTION:

Negligence or wilful misuse or destruction of Club Oops property or equipment will not be tolerated. Performer who causes damage will be barred from Club Oops.

30. DISCLOSURE:

Performer must not be in possession, either on or off the premises, of records, files, data, methods, plans, guest lists, trade secrets, price lists or other information, which is proprietary in nature and confidential or to disclose the same to a third party.

31. PRESCRIPTION AND NON-PRESCRIPTION MEDICATION:

Any Performer who is using prescription or over the counter medication may bring such medication with them, providing they are in the original containers and the contents are clearly labelled.

32. USE, POSSESSION OR BEING UNDER THE INFLUENCE OF ILLEGAL SUBSTANCES OR COMPARABLE SUBSTANCES:

Performers must not be under the influence, possess, distribute or use any illegal or controlled substance on your way to or on the premises of Club Oops (including the area surrounding the building whether on or off schedule). Any Performer suspected of being under the influence of illegal or comparable substances will be denied entry to Club Oops. Any Performer found using, possessing or distributing illegal or comparable substances will be barred from Club Oops.

33. REPEATED FAILURE TO FOLLOW ANY ADVICE REGARDING YOUR PERFORMANCE OR BEHAVIOUR :

You should be able to attain the minimum required level of dance and stage performances at Club Oops and if not you will be expected to take advice offered by House Mother or management regarding suggested improvements to your performance or behaviour.

34. ILLEGAL OR COMPARABLE SUBSTANCES USED BY CUSTOMER:

This includes customers, Performers or staff arranging transactions of controlled substances on or off Club Oops premises, you must immediately inform the House Mother or management. In the event that a customer offers any illegal or comparable substances, you must immediately report the matter the House Mother or management. Any Performer who offers illegal or comparable substances to any customer, Performers or staff will be immediately removed and barred from Club Oops.

35. GAMBLING:

No gambling or allowing gambling is permitted on Club Oops premises by any person, including sporting events etc.

36. PANDERING OR PROSTITUTION:

Club Oops could lose its licence if any Performer endeavours to sell any type of sexual favour (either on or off the premises) to anyone. Contravention will result in immediate and permanent exclusion from Club Oops.

37. SOLICITATION (PROSTITUTION):

Accepting a customer's offer of payment (or the Performers suggestion) in return for sexual favours, whether or not the dance actually intends to provide them, is prohibited by law and if contravened, will result in immediate and permanent exclusion from Club Oops. Performers are advised not to leave with any customer or meet up with them outside the premises, as this may be misconstrued and could lose Club Oops licence.

38. ASSIGNATION (PROSTITUTION):

This is the promise of meeting a customer at a later time, or to date them, in return for gratuities during your evening at Club Oops, whether or not you intend meeting them. Customers' questions such as "Where do you go after work?" are dangerous and it is suggested that you better avoid to answer the question. Failure to comply with the request by Club Oops could result in immediate and permanent exclusion from Club Oops. You are strongly advised not to give your telephone number or contact information or take any customers telephone number or contact information. Once again, this could be construed as a serious breach of Club Oops licence and puts the licence at risk.

39. LEWD AND LASCIVIOUS BEHAVIOUR:

This is the manner in which Performers interact with/entertain customers. It is the Performers responsibility to understand what behaviour is acceptable and what is not at Club Oops. The final decision as to what represents lewd and lascivious behaviour rests with the management. Performers who do not adjust their behaviour after they have been warned by the management will be asked to leave the premises. Lewd and Lascivious behaviour could lose Club Oops its licence.

40. SOLICITATION FOR DRINKS OR TIPS:

Solicitation for alcoholic or non-alcoholic beverages is discouraged, as this could be construed as undue pressure. Club Oops suggest you do not ask a customer to buy you a drink as the customer should ask you first. You should not ask for tips or money, as the customer should give it to you willingly. The waiter may ask the customer if he wishes to buy the Performer a drink, which case the Performer may accept. Performers are allowed to purchase drinks which must be paid for by the Performer at the time of purchase.

41. WEAPONS:

No weapons or CS gas are permitted on Club Oops premises, at any time, for any reason. It is everybody's responsibility to enforce this policy. Any Performer found to be in possession of weapons or CS gas will be asked to leave the premises.

42. PERFORMER'S: GENERAL UNDERSTANDING:

I have read and understood the Club Oops Performer's Code of Conduct and will adhere to its rules when I am in attendance as a performer.

43. When I am performing a dance for a customer, and at all other times, I will abide by the Club Oops Performer's Code of Conduct, and any other supplementary guidelines that may be given to me on the night.

44. I will always keep the Club Oops, (Performer to customer) no contact rule, that is, at no time whilst I am performing a table side dance, or any dance, or when I am simply talking to or engaging with the customer.

45. I understand that I may be allowed as a performer at Club Oops, on the occasions that I have previously informed, Club Oops management, weekly, in advance of the proposed dates I wish to attend.

46. I understand that I am in a privileged position when allowed in Club Oops, and will act accordingly, without taking undue advantage of this fact.

47. I will never go over to a customer's table with a drink in my hand.

48. I will never use a mobile phone within any public area of Club Oops.

49. I will never go to a customer's table until the waiter has poured the drinks and left the table.

50. I will always act with dignity and not with apparent desperation to receive money.

51. I understand and accept, that as a performer at Club Oops I can, at certain times, purchase drinks for myself at discounted prices.

52. When sitting with a customer, I will never allow my behaviour and theirs with me, to be of a kind, which can be construed as being sexual.

53. If I move a customer from their table to a VIP table for a dance (when permitted by Club Oops management to do so), I will take them back to the original table where I first saw them, during the duration of the music track that follows the completion of the dance, unless they want to stay at the VIP table, and pay Club Oops VIP rates, i.e., cover charge and champagne.

54. I will always graciously accept the offer of a drink from a customer, if however, I am tipsy, I will have a soft drink.

55. If I am tipsy, I will take time out at the management's advice, and will behave responsibly in this respect.

56. I will always keep the Club Oops "no contact with customer" rule while performing and working at Club Oops.

57. I accept that there is no such thing as a customer who belongs to me, exclusively.

- 58.** Other than my stage name, I will never give any of my personal details to any customer.
- 59.** I will remain seated and will not approach any new customer's before they have been seated and served their drinks by the waiter.
- 60.** If I move from my table to approach new customers before they have received their first drink, I will be excluded from their table all together.
- 61.** I understand that the Performers who find themselves nearest to a new table will naturally be the first to approach and there will be no "stampeding."
- 62.** I will always keep the Club Oops, (Performer to customer) no contact rule, that is, at all times whether performing on stage, or performing a table side dance for a customer, I there be a no contact distance between me and that of the customer for who I am performing.
- 63.** If a member of Club Oops's management is seated at a new customer's table, I understand that I am not to approach the table until that member of management has left the table.
- 64.** I accept that it is the customer's right to choose the Performer they want and the customer may express their choice through the management.
- 65.** Any disputes between another performer and myself in Club Oops will result in the other performer and myself being removed from the floor until the matter is resolved by the management.
- 66.** I will remain polite, courteous and professional and I shall not be rude to any other performer or to any customer.
- 67.** I will not physically or verbally abuse any other performer or customer.
- 68.** I will report all issues between any other performer and myself to Club Oops's management for them to resolve the matter to the best of their abilities, away from the vicinity of the customer. I will abide by the management's decision.
- 69.** I will always keep the Club Oops, no contact and no touching rule whilst working at Club Oops.
- 70.** I will inform Club Oops management, in advance, when entering into hourly or half hourly table company with a customer. If a gratuity for this table company is not given in advance and there is a subsequent dispute with the customer regarding the gratuity; I UNDERSTAND THAT I MAY RISK LOSING THE GRATUITY IF THE CUSTOMER DECLINES TO GIVE ME A GRATUITY.
- 71.** As a self-employed performer, if I do not receive any gratuity for my performance in advance, I will not expect Club Oops management to collect the gratuity from the customer, but I understand that they will help if they can.
- 72.** If after the duration of 15 minutes, I have not provided a table dance, or arranged Table Company with a customer, I will politely excuse myself from the table.

73. Remembering that there are residents nearby Club Oops, I will always, when leaving the premises, do so quietly, and make no noise. 1. No car radios blaring or on at all 2. No slamming car doors 3. No shouting “good-bye” or any other conversation to friend’s staff or any other persons .

74. I will always keep the Club Oops, no touching and no contact rule while performing.

75. I will replace my clothing immediately after my performance is finished.

76. I will keep both feet flat on the floor when performing a table dance unless using a table or chair as a prop to sit on.

77. I will not simulate masturbation or any other sexual act while performing.

78. I will not touch the other Performer when doing a double performance.

79. If, during my performance, or at any other time, a customer touches me by accident, or deliberately, I will move away from them and indicate politely, that they are not allowed to do so; if they continue, I will stop my performance, or conversation with them, move away, and inform Club Oops management or security immediately.

80. I have read and understood the Club Oops, Performer’s Code of Conduct and understand that if I break these rules, I may be barred from the premises.

81. I will always keep the Club Oops, no touching no contact rule while performing.

82. I will always try to excel in my stage performance.

83. My signature confirms that I understand and will abide by all the above rules and that my contravention of these supplementary rules to the Performer’s Code of Conduct may result in my suspension, or permanent exclusion from Club Oops.

PERFORMERS FROM THE EU COUNTRIES OR WITH UK WORK PERMITS: I confirm that: a. I confirm that I am legally entitled to work in the UK and if I require a UK Work Visa I will ensure it is valid during the time I am performing at Club Oops and if it expires I will immediately supply a copy of my renewed UK Work Visa. b. Club Oops is not under any liability to make PAYE deductions on my behalf as I am not in Club Oops employee. c. The onus is upon me to make a return to HM Revenue and Customs and it is my obligation to pay any taxes due, including VAT and income tax. d. It will be my responsibility to supply all the necessary costumes and accessories at my own cost. e. I will not hold Club Oops or any other individual with Club Oops premises responsible for any acts arising out of negligence on my behalf and I will take out my own insurance to cover sickness, damage and loss of costumes and accessories. f. I confirm that prior to my signing this Code of Conduct I will declare to Club Oops management (in writing) any convictions that I may have for drugs, prostitution or any other convictions and that this may not necessarily preclude me from performing at Club Oops. g. I confirm that I am over 18 years old and have chosen to work at Club Oops as a Performer of my own free will, without any coercion. h. I understand that if at any time I feel uncomfortable about any aspect or issues at all, I can speak to the House Mother or management.

I CONFIRM THAT I HAVE READ AND UNDERSTAND THE CODE OF CONDUCT FOR PERFORMERS AND THAT I HAVE BEEN GIVEN A FULL COPY TO KEEP AND THAT I WILL COMPLY WITH THE ABOVE CODE AT ALL TIMES, AND THAT FAILURE TO DO SO MAY RESULT IN MY NOT BEING ABLE TO CONTINUE TO WORK AS A PERFORMER AT CLUB OOPS.

PRINT NAME _____

STAGE NAME _____

MOBILE NUMBER _____

TELEPHONE NUMBER _____

EMAIL _____

FULL ADDRESS _____

NEXT OF KIN _____

PASSPORT NUMBER _____

NATIONALITY _____

UK WORK VISA NO. & TYPE _____

DATE OF BIRTH _____

SIGNED _____

DATE _____

CLUB OOPS

WELFARE OF PERFORMERS POLICY

30 Alie Street London, E1 8DA

Tel: [REDACTED]

Dear Performer

POLICY FOR WELFARE OF PERFORMERS

Your welfare is paramount to us. The following notes will give you guidance on how we will Endeavour to protect you from harm, in order to promote a safe, happy working environment for all performers, staff and management.

YOUR SAFETY IS PARAMOUNT

1. CCTV cameras are in operation at all times in the entire club. These cameras are for your own protection and safety.
2. Please disclose any medical conditions you have to the manager on duty at the start of your shift so that we are aware of this.
3. If you feel unwell at any time whilst at work, please inform one of the management. They assess the situation sympathetically and will discuss whether you should rest in the area designated for staff or, will arrange for you to be taken home safely.

Drugs and Alcohol

4. Club Oops is a drug free zone. Drugs of any kind will not be tolerated in any part of the club. Any performer found using, selling, or buying drugs will be asked to leave and will be permanently barred from the club.
5. Please report any customer whom you are aware is taking drugs or encouraging you to do so in our premises, to management.
6. Being drunken means that you may no longer have sufficient awareness or regard for your safety or that of those around you. Please avoid becoming drunk and know your own limits in relation to alcohol. Please drink responsibly.
7. Club Oops does not encourage excessive drinking. The management reserves the right to remove you from the floor if they feel you are becoming intoxicated. This is for your own safety.

CLUB OOPS

30 ALIE STREET, LONDON, E1 8DA Tel: [REDACTED]

Getting Home Safely

8. To avoid drunkenness please use your discretion and arrange with the waiter or the bar staff to give you a non-alcoholic drink.
9. You must inform the management if you drive into work so we can make sure that you do not drink through the night and drive home. If we deem it necessary will arrange transport for you for your own safety.
10. Please inform us if you are being collected when you leave work. We would ask that any one collecting you waits outside for you.
11. Please inform us of your mode of transport home and your method of getting home. If necessary we can arrange suitable transport for you so that you can get home safely, at any time. Please ask management.

Your Conduct with Customers – Safety First

12. We put your safety and welfare first. You must not to leave with or be associated with customers outside the club under any circumstances.
13. Do not exchange contact information with customers at any point. You will not be able to leave the premises until after all customers have left (unless you have arranged it with management first).
14. You must not touch or let customers touch you in any way, under any circumstances, even near the bar or at any time in the club whether you are performing or not.
15. If you have any issues or experience harassment from customers or colleagues, please refrain from taking matters in to your own hands and inform the management immediately.
16. While performing for a customer he must place his hand on the **either side of the seat**.
17. For your own safety, if you are spoken to by the management and you are asked to leave the customer, move away from the customer **immediately**. You can discuss the reason away from the customer and you will get an appropriate explanation.

Security

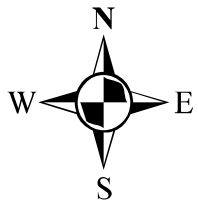
- 18. We have lockers available for your valuables (Subject to a small Security Deposit).
- 19. We advise you do not leave anything of value unattended – please use the lockers provided.

Finally...

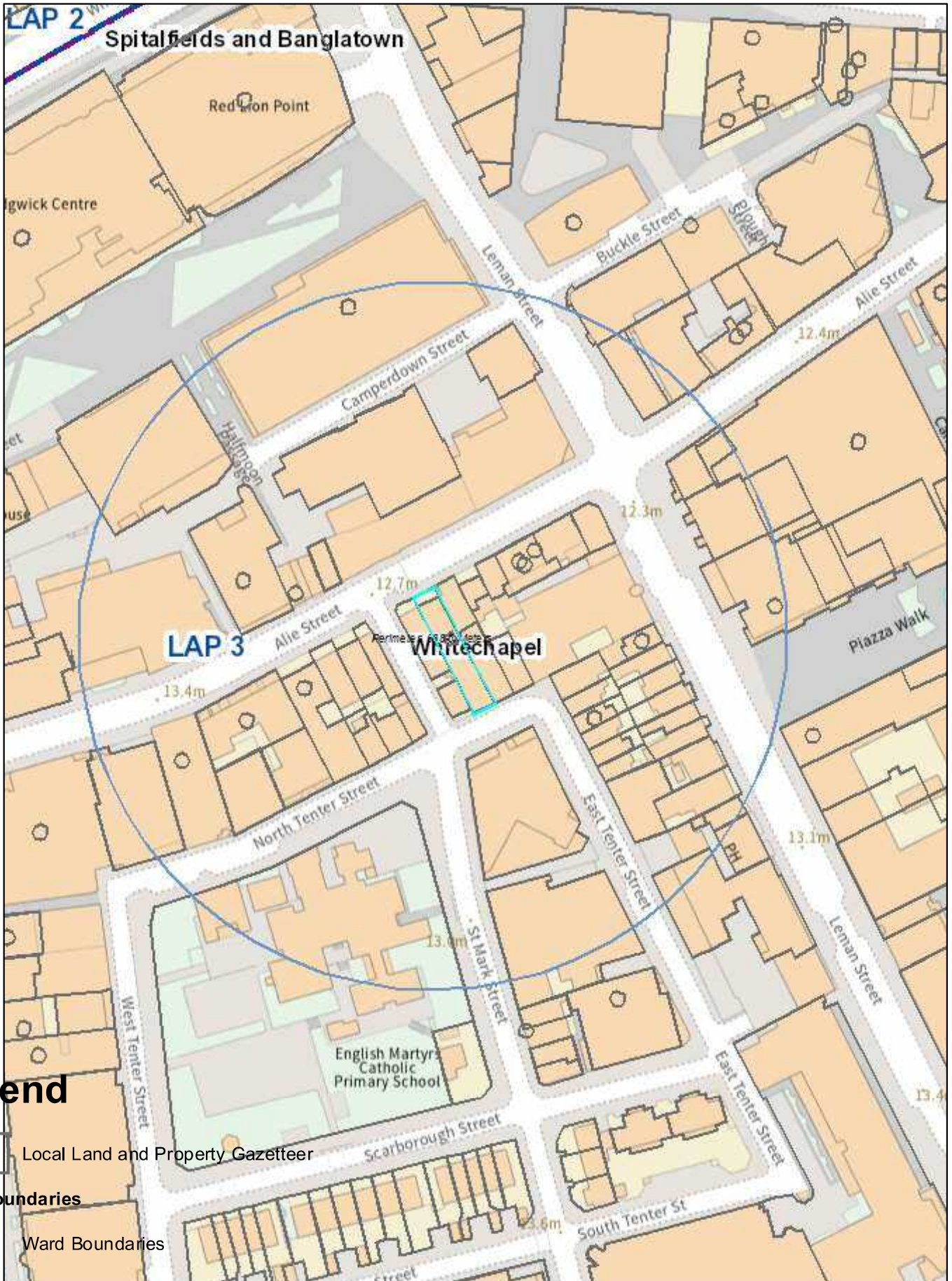
- 20. Finally if you have any issues and you do not feel comfortable discussing this with one of the floor managers, please do not be afraid to speak to your “house mum.” We employ our house manageress to look after your welfare and protect your interests. Please feel free to raise anything with her, as she is there for your protection and well-being. She is there to help you.

The Management
Club Oops
2018


Appendix 10




30 Alie Street - Vicinity Map



Legend

 Local Land and Property Gazetteer

Ward Boundaries

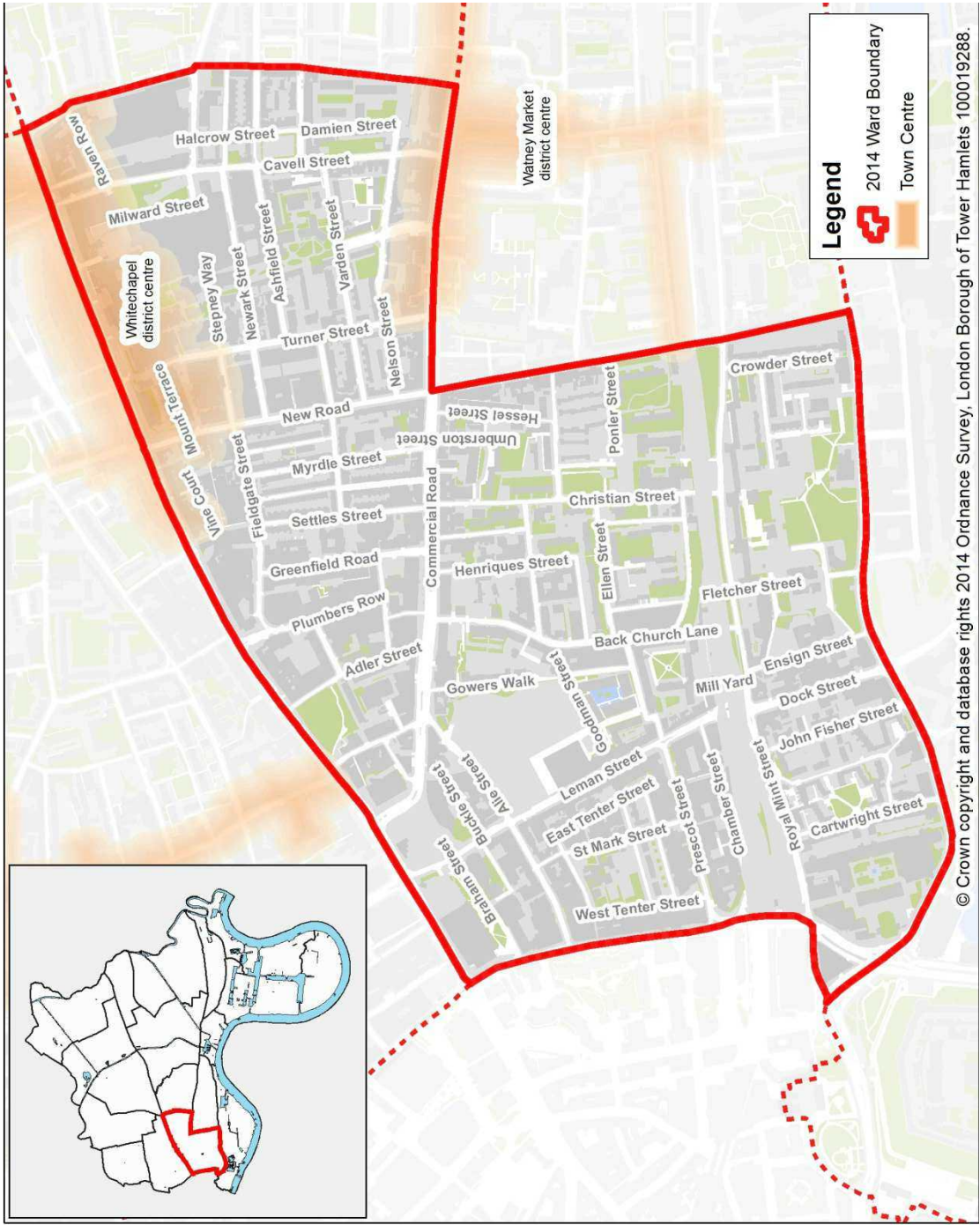
 Ward Boundaries

LAP Boundaries

 LAP Boundaries

Appendix 11

Whitechapel Ward Profile



Corporate Research Unit
 May 2014

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Qualification levels	10

Introduction

The ward profiles have been produced for all 20 wards in Tower Hamlets. They provide the social, economic and demographic characteristics of each ward in the borough developing a broad picture of the area and help describing local differences.

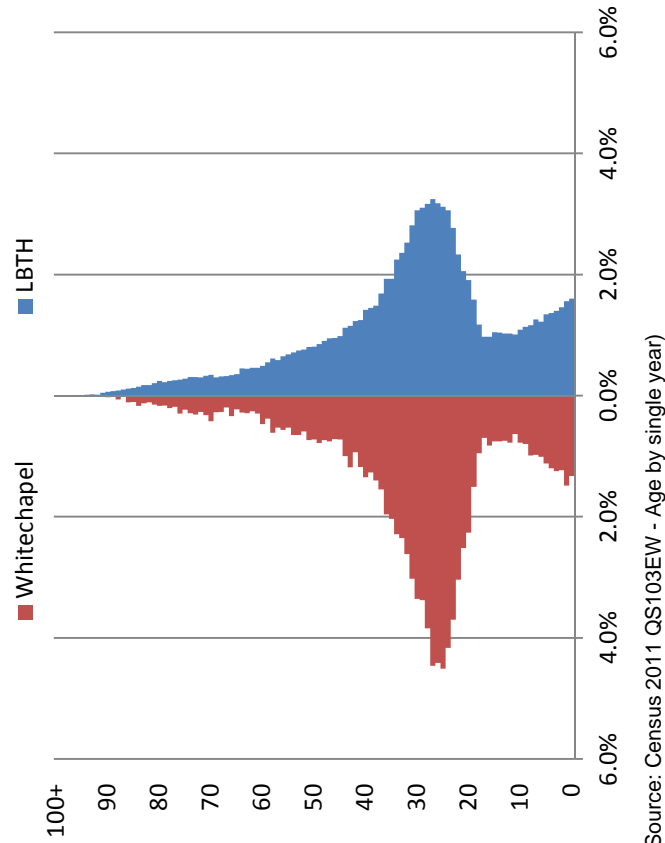
In May 2014, the number of wards increased from 17 to 20. The changes were made by the Local Government Boundary Commission for England, in order to ensure that every councillor in Tower Hamlets represented roughly the same number of residents. The changes mean that no ward will have a population variance of greater than 10 per cent. As a result of the changes, the average population per councillor will be 4,029 in 2014, rising to 4,417 by 2018, according to projected population growth.

Data from the 2011 Census has been used throughout this ward profile as this still provides the single best source of statistics which are available at geography small enough to be aggregated up in to the new wards. While more recent estimates of the resident population are available for the borough and old ward boundaries, these cannot be used to infer the current population according to the new ward boundaries.

Population

Age Structure

Figure 1: Proportion of population by age



(Source: Census 2011 QS103EW - Age by single year)

Table 1: Number and proportion of residents by age range

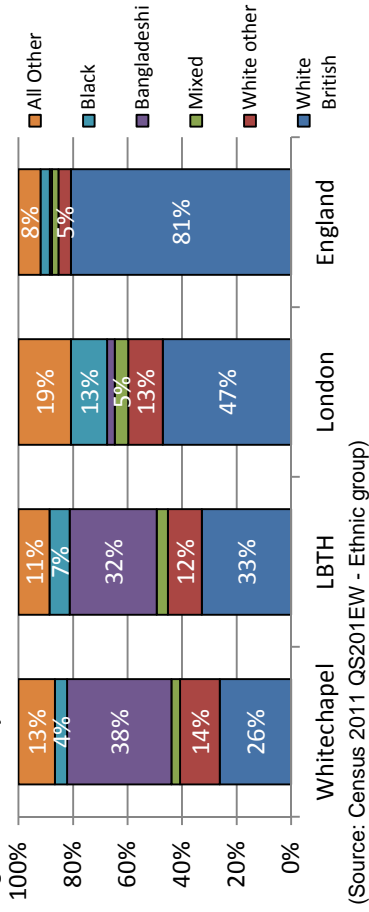
Residents by Age	0-15	16-64	65+	Total
Whitechapel	2,245	11,215	730	14,190
Whitechapel %	15.8%	79.0%	5.1%	100%
Tower Hamlets %	19.7%	74.1%	6.1%	100%

(Source: Census 2011 QS103EW - Age by single year)

- At the time of the 2011 Census, the population for the Whitechapel ward was 14,190 which accounted for 5.9 per cent of the total population of Tower Hamlets.
- The ward had 6,682 males and 6,203 females providing a gender split in the ward of 51.9 per cent male and 48.1 per cent female.
- The population density in this ward was 148 people per hectare, higher than the borough average of 129 people per hectare.
- The Whitechapel ward had a lower proportion both of residents aged 65+ and aged 0-15 years old than the borough average.

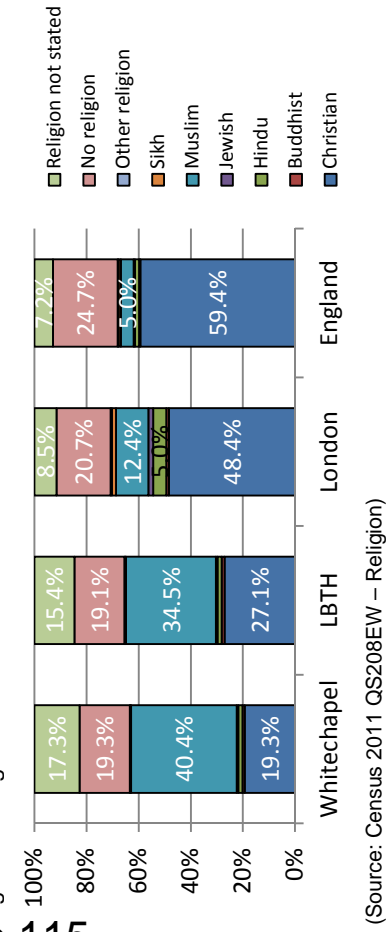
Ethnicity

Figure 2: Ethnicity



Religion

Figure 3: Religion

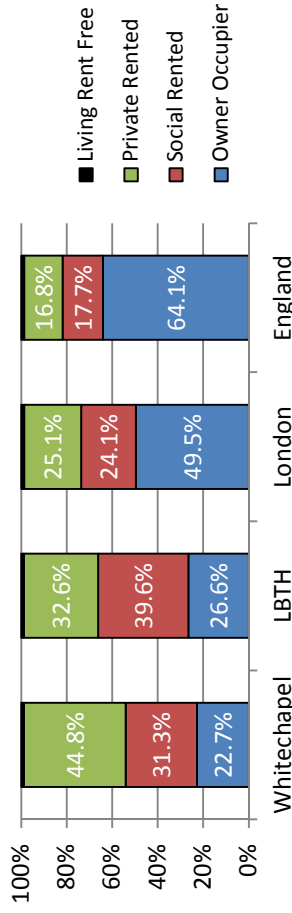


- At the time of the 2011 Census, 8,416 residents in the ward were BME (59 per cent). This proportion was higher than the borough average of 54 per cent.
- Residents of Bangladeshi origin accounted for 38 per cent of the population (5,421 residents), a higher proportion than the borough average.
- There were 3,718 White British residents in the Whitechapel ward. There was a higher proportion of residents who are White British in the ward compared to the borough average.
- The three largest ethnic groups in the borough (White British, Bangladeshi and White Other) accounted for 79 per cent of all residents in this ward.

- The proportion of residents who identified themselves as Christian was 19.3 per cent – the second lowest proportion of residents out of the borough's 20 wards. At 40.4 per cent of the population, the proportion of Muslim residents was significantly higher than the borough average.
- 2,742 residents in the Whitechapel ward explicitly stated that they had no religion, this equated to 19.3 per cent of the ward population, compared to the borough average of 19.1 per cent.
- Tower Hamlets had a significantly higher proportion of residents who did not state their religion on the census form when compared to London and the rest of England. In the Whitechapel ward there were 2,460 residents who did not state their religion – accounting for 17.3 per cent of the ward's population, higher than the borough average.

Housing Tenure¹

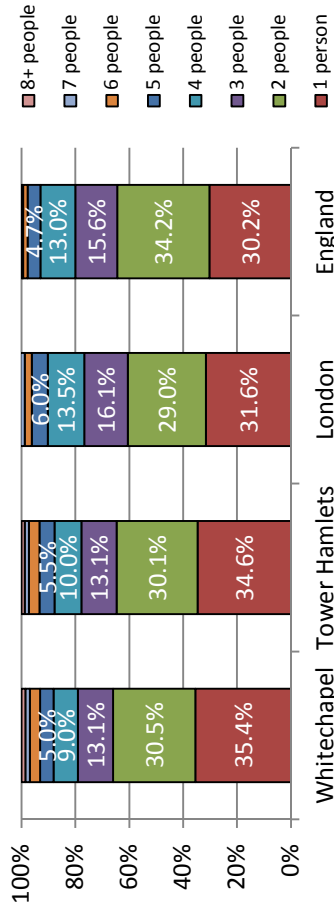
Figure 4: Tenure of households



(Source: Census 2011 QS405EW - Tenure – Households)

Household size

Figure 5: Tenure of households



(Source: Census 2011 QS405EW - Tenure – Households)

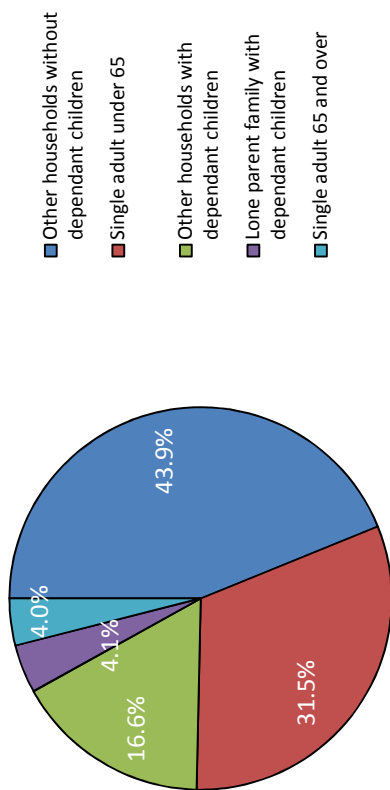
- Tower Hamlets as a whole had a significantly lower proportion of households who were owner-occupier compared to the London average (26.6 per cent compared to 49.5 per cent). The proportion of socially rented households in the borough was almost double that of the London average. There was also a higher proportion of privately rented households compared to the London average.
- There were 5,707 households in the Whitechapel ward. Compared to the other wards, Whitechapel had a higher than average proportion of households compared to the borough average, accounting for 5.6 per cent of the whole.
- 22.7 per cent of households in the wards were owner-occupied, a lower rate than the borough average of 26.6 per cent.
- There were a lower than average proportion of socially rented properties in this ward but a higher than average proportion of private rented properties. Together, the proportion of renters (76.1 per cent) was lower than the borough average (72.2 per cent).

- The proportion of households in the Whitechapel ward with three or more people accounted for 34 per cent of the total households in the ward. This proportion was just below the borough average of 35 per cent.
- On Census day, 680 households were recorded as having five or more people living in them. This equates to 11.9 per cent of the households in the ward and was lower than the average for Tower Hamlets (12.3 per cent).
- The average household size in the ward was 2.49 compared to the borough average of 2.51.

¹ Tenure provides information about whether a household rents or owns the accommodation that it occupies and, if rented, combines this with information about the type of landlord who owns or manages the accommodation.

Household composition

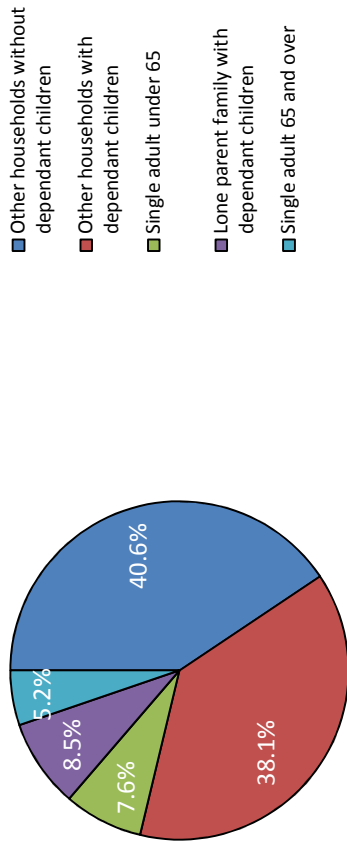
Figure 6: Household composition - percentage of households by type



(Source: Census 2011 QS113EW - Household composition – Households)

- At the time of the Census, 39.3 per cent of all residents in the ward lived in family households with dependent children; this proportion was lower than the borough average of 46.2 per cent.
- However, families with dependent children occupied 20.7 percent of the households in the ward, lower than the borough average of 26.6 per cent.
- Single adult households accounted for 35.4 per cent of all households in the ward; however 14 per cent of the ward's residents live in this type of household.
- Older people living alone (65+) accounted for 4 per cent of households which was lower than the borough average of 6 per cent.
- Table 3 shows the proportion of households that were overcrowded, had the required number of bedrooms, or were under-occupied at the time of the Census. 18 per cent of households in the ward (1,026 households) were overcrowded – higher than the average for the borough.

Figure 7: Household composition: percentage of residents that live in each household type



(Source: Census 2011 QS112EW - Household composition – People)

Table 2: Average household size

Average residents per household	Whitechapel	Tower Hamlets	London	England
Households with dependent children	4.65	4.30	3.89	3.78
Households with non-dependent children	1.88	1.81	1.84	1.78

(Source: Census 2011 QS406EW - Household size)

Table 3: Occupancy ratings

Area	Overcrowded (-1 or less)	Required Bedrooms (0)	Under Occupied (+1 or more)
Whitechapel	1,026 (18%)	3,146 (55%)	1,535 (27%)
Tower Hamlets	16,605 (16%)	51,058 (50%)	33,594 (33%)
London	370,531 (11%)	1,282,883 (39%)	1,612,759 (49%)
England	1,024,473 (5%)	5,885,951 (27%)	15,152,944 (69%)

(Source: Census 2011 QS406EW - Household size)

Health - Limiting illness or disability

Table 4: Limiting illness and disability

Area	Day-to-day activities limited a lot	Day-to-day activities limited a little	Day-to-day activities not limited
Whitechapel	808	887	12,495
Whitechapel (%)	5.7%	6.3%	88.1%
Tower Hamlets (%)	6.8%	6.7%	86.5%
London (%)	6.7%	7.4%	85.8%
England (%)	8.3%	9.3%	82.4%

(Source: Census 2011 QS303EW - Long-term health problem or disability)

- On Census day, around 808 residents (5.7 per cent) in Whitechapel had a long term health problem or disability *limiting the persons day to day activities a lot*, while 6.3 per cent (887 residents) had a long term health problem or disability *limiting the persons day to day activities a little*.

- In Whitechapel, the rate of people with a long term health problem or disability *limiting day to day activities a lot* was below the Tower Hamlets (6.8 per cent), London (6.7 per cent) and England rates.

- The rate of people with a long term health problem or disability *limiting day to day activities a little* of 6.3 per cent was also below the Tower Hamlets (6.7 per cent), London and England averages.

Unpaid care provision

Table 5: Unpaid care provision

Area	Provides no unpaid care	Provides 1 to 19 hours unpaid care a week	Provides 20 to 49 hours unpaid care a week	Provides 50 or more hours unpaid care a week
Whitechapel	13,073	680	209	228
Whitechapel (%)	92.1%	4.8%	1.5%	1.6%
Tower Hamlets (%)	92.4%	4.3%	1.4%	1.9%
London (%)	91.6%	5.3%	1.3%	1.8%
England (%)	89.8%	6.5%	1.4%	2.4%

(Source: Census 2011 QS301EW - Provision of unpaid care)

- Around 7.9 per cent of residents in Whitechapel provided unpaid care. The Whitechapel rate was slightly above the Tower Hamlets average (7.6 per cent) but below London (8.4 per cent) and England (10.2 per cent) rates.

- From 1,117 residents in Whitechapel who provided unpaid care, around 209 residents provided care for 20 to 49 hours a week, while 228 residents provided care for 50 or more hours a week.

- The proportion of those providing care for 50 hours or more of 1.6 per cent in Whitechapel was slightly below the Tower Hamlets rate of 1.9 per cent.

Labour market participation

Table 6: Labour market participation - Economic active (EA) and Economic Inactive (EI) (totals and %)

Area	EA: In employment	EA Unemployed	EA: Full-time student	EI: Retired	EI: Student (incl. full-time)	EI: Looking after home / family	EI: Long-term sick or disabled	EI: Other
Whitechapel	6,940	660	713	436	1,224	738	423	495
Whitechapel (%)	59.7	5.7	6.1	3.7	10.5	6.3	3.6	4.3
Tower Hamlets (%)	57.6	6.7	5.5	4.7	9.9	7.0	4.5	4.0
London (%)	62.4	5.2	4.1	8.4	7.8	5.2	3.7	3.2
England (%)	62.1	4.4	3.4	13.7	5.8	4.4	4.0	2.2

(Source: Census 2011 KS601EW to KS603EW - Economic activity by sex, Population 16 to 74)

above the Tower Hamlets rate (57.6 per cent), but below London (62.4 per cent) and England (62.1 per cent) averages.

The proportion of economically inactive residents, including those looking after home & family (6.3 per cent) and long term sick (3.6 per cent) was lower in Whitechapel. However, the proportion of economically inactive students (10.5 per cent) was above the borough average.

A total of 660 residents were unemployed in Whitechapel. While the rate of 5.7 per cent was below the Tower Hamlets (6.7 per cent) rate, it was above London (5.2 per cent) and England (4.4 per cent) averages.

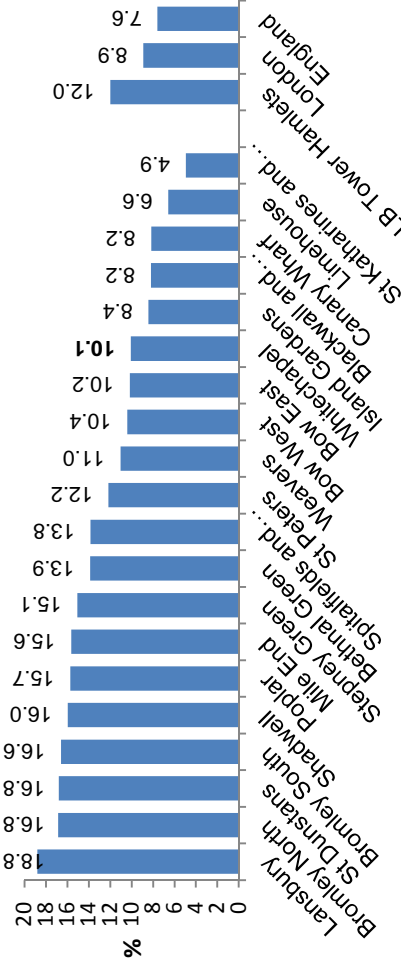
Unemployment rate of 16 to 64 (economic active population only)

Figure 8 on the right shows the unemployment rate based on the economically active population only. This measure is the better unemployment measure but it is in general higher compared to the rate based on the proportion of all residents in the 16 to 74 age group as shown above.

Whitechapel had the 6th lowest unemployment rate in the borough with 10.1 per cent, nearly 2 percentage points below the Tower Hamlets rate.

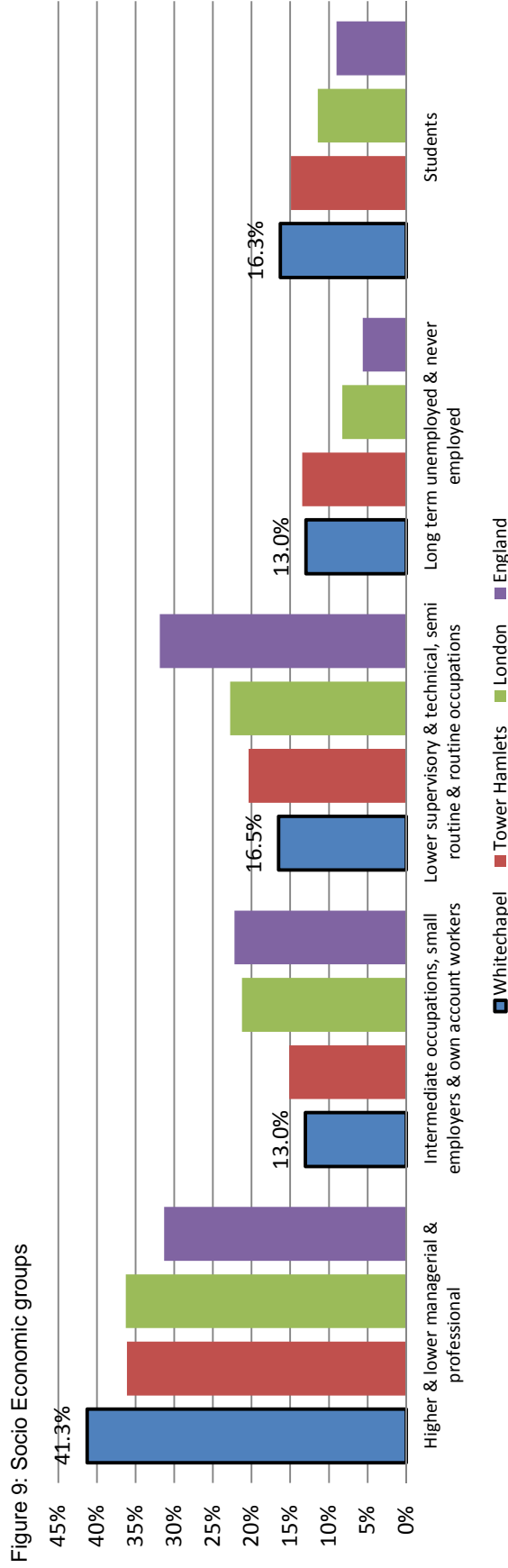
On Census day, the highest unemployment rate was recorded in Lansbury (18.8 per cent) and the lowest in St Katharine's and Wapping with only 4.9 per cent.

Figure 8: Unemployment rate of 16 to 64 – economic active population only



(Source: Census 2011: QS601EW - Economic activity)

Socio economic groups



(Source: Census 2011 QS607EW - NS-SeC)

- At the time of the Census, there was 41.3 per cent of working aged residents working in managerial and professional occupations. This was higher than the borough average of 36.1 per cent.
- At 16.3 per cent, the ward had a higher proportion of residents who were students than the borough average (14.9 per cent).
- The ward had a slightly lower proportion of working aged residents who were classified as long term unemployed / never employed compared to the borough average of 13.5 per cent (1,506 residents).

Qualification levels

Table 7: Highest qualification of residents aged 16 to 64

Area	No qualification	Level 1	Level 2	Apprenticeship	Level 3	Level 4 and above	Other
Whitechapel	1,328	893	868	78	1,263	5,596	1,189
Whitechapel (%)	11.8	8.0	7.7	0.7	11.3	49.9	10.6
Tower Hamlets (%)	15.6	9.8	9.2	0.8	10.8	43.6	10.2
London (%)	12.4	11.5	12.6	1.4	11.5	40.5	10.0
England (%)	14.8	15.2	17.1	3.1	14.5	29.8	5.6

(Source: Census 2011 LC5102EW - Highest level of qualification by age)

- The population aged 16 to 64 in Whitechapel showed a slightly different qualification structure to Tower Hamlets as a whole with a higher proportion of highly qualified residents.

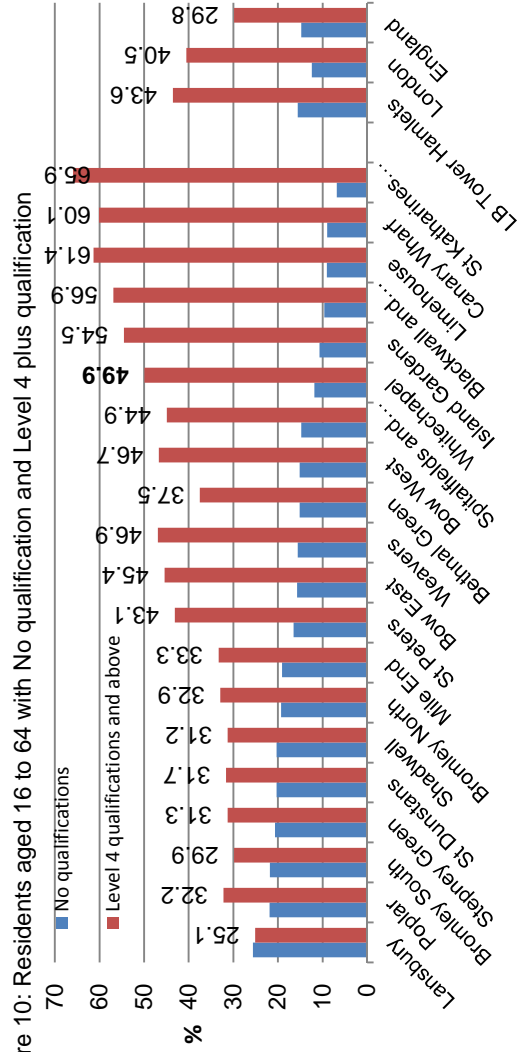
- The proportion of those with a level 4 qualification was above the average in Whitechapel (49.9 per cent) when compared to Tower Hamlets (43.6 per cent) and London (40.5 per cent).

- Around 1,328 residents or 11.8 per cent aged 16 to 64 did not hold a formal qualification. This rate was substantially below the Tower Hamlets average (15.6 per cent), London (12.4 per cent) and England rates (14.8 per cent).

- The proportion of Whitechapel residents with no formal qualification was the 6th lowest out of all 20 wards in Tower Hamlets.

- The lowest proportion of residents with no qualification was recorded in St Katherine's and Wapping ward (6.8 per cent) while the highest proportion with no qualification was in the Lansbury ward with 25.6 per cent.

- The proportion of Whitechapel residents with a level 3 qualification was 11.3 per cent, a rate slightly above the Tower Hamlets average.

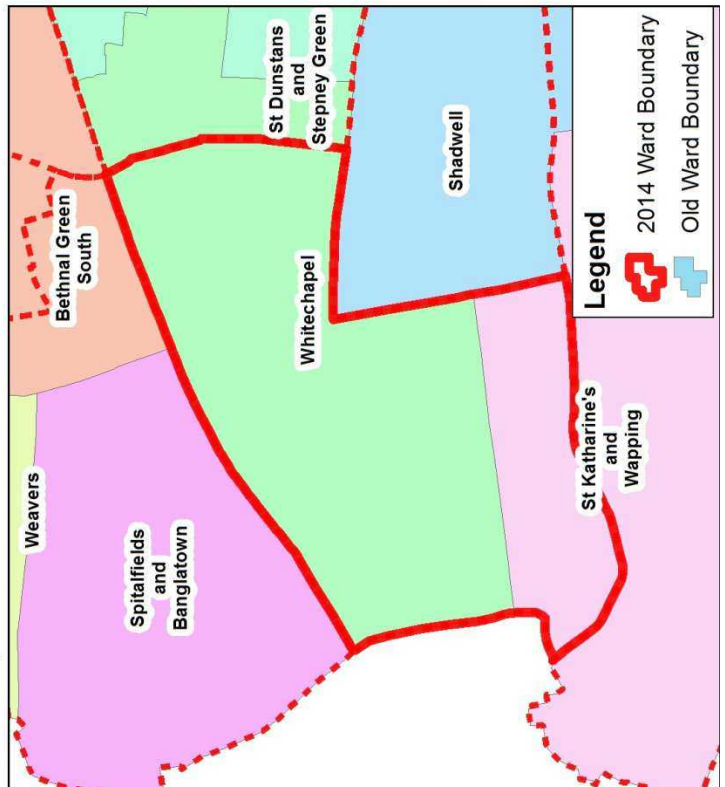


(Source: Census 2011 LC5102EW - Highest level of qualification by age)

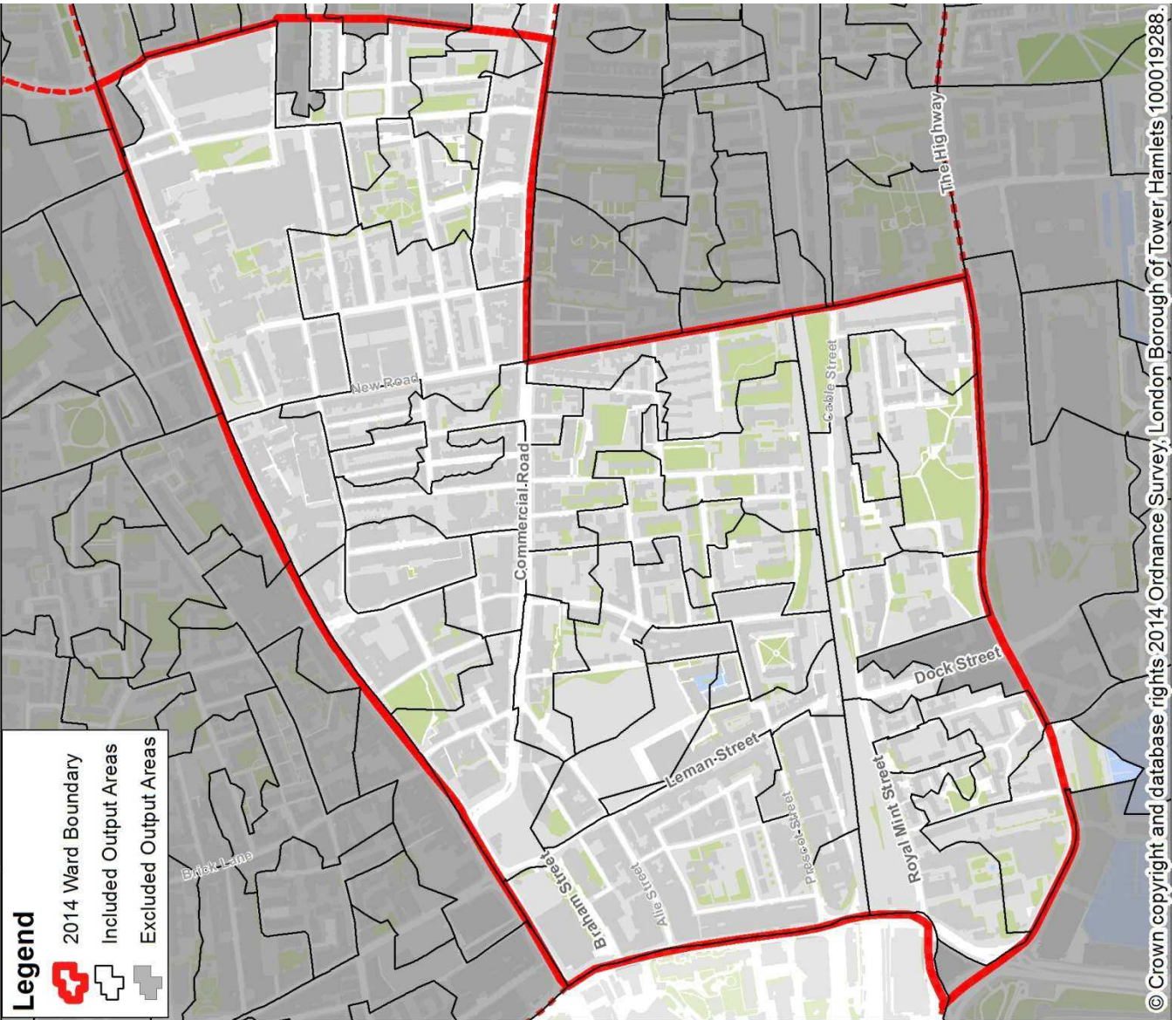
Statistical Areas

The map (right) shows which Census Output Areas have been included in the summary statistics for this ward, and which areas have been assigned to other wards. Census Output Area (OA) data has been aggregated on a best fit basis to match the new Tower Hamlets ward boundaries as closely as possible. This has been done in accordance with methodology employed by the Office for National Statistics (ONS) in producing census statistics for non-standard geographies. Details of this methodology can be found on the ONS website at: <http://www.ons.gov.uk/ons/guide-method/geography/geographic-policy/best-fit-policy/index.html>.

Whitechapel and the old wards



Whitechapel Statistical Area



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Further information

The data used in this document has been sourced from the Office for National Statistics Census 2011 and specific Census 2011 data tables are quoted in the document.

Contact the Corporate Research Unit: cru@towerhamlets.gov.uk

For more information, see the [Borough Profile](#) page on the council's internet. Census 2011 data tables can be obtained from the [Office for National Statistics](#) official labour market statistics webpage.

Appendix 12



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(as amended)**

Notice of Application for the *Grant of a Sexual Entertainment Venue Licence

**delete as appropriate*

TAKE NOTICE THAT ON:22...JUNE...2022.....

I: ...SANTOSH NAIR..... *(insert name of applicant)*

Of: ...30 ALIE STREET LONDON E1 8DA..... *(insert address of applicant)*

Made application to London Borough of Tower Hamlets for the grant of a licence to use the premises named below as a Sexual Entertainment Venue

Address of Premises:	CLUB OOPS! 30 ALIE STREET LONDON E1 8DA
-----------------------------	---

Description and detail of sexual entertainment to be provided including times of operation:	LAPDANCING ENTERTAINMENT AND ASSOCIATED DANCING BETWEEN THE HOURS OF 11.00 AND 04.00 (ON THE DAY FOLLOWING) EVERY DAY OF THE WEEK
--	---

Any objections to this application shall be made not later than **19 JULY 2022** which is **28 days** after the above date of the application. Objections must be made in writing, stating in general terms the grounds for objection to:

London Borough of Tower Hamlets, Licensing Team, Environmental Health & Trading Standards, Mulberry Place, 5 Clove Crescent, London E14 2BG or licensing@towerhamlets.gov.uk, Website: www.towerhamlets.gov.uk, Tel: 020 7364 5008

Please note: Objections must be made in writing and shall contain the name and address of the objector. Such objections will be sent to the applicant and will become public documents, however, personal details such as name, address and telephone number will be removed.

Appendix 13

**LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS)
ACT 1982 (as amended)**

**Notice of Application for the *Grant of a
Sexual Entertainment Venue Licence**

TAKE NOTICE THAT ON 22 JUNE 2022 I SANTOSH NAIR Made application to London Borough of Tower Hamlets for the grant of a licence to use the premises named below as a Sexual Entertainment Venue. Address of Premises: CLUB OOPSI 30 ALIE STREET LONDON E1 8DA. Description and detail of sexual entertainment to be provided including times of operation: LAPDANCING ENTERTAINMENT AND ASSOCIATED DANCING BETWEEN THE HOURS OF 11.00 AND 04.00 (ON THE DAY FOLLOWING) EVERY DAY OF THE WEEK.

Any objections to this application shall be made not later than 19 JULY 2022 which is 28 days after the above date of the application. Objections must be made in writing, stating in general terms the grounds for objection to: London Borough of Tower Hamlets, Licensing Team, Environmental Health & Trading Standards, Mulberry Place, 5 Clove Crescent, London E14 2BG or licensing@towerhamlets.gov.uk, Website: www.towerhamlets.gov.uk, Tel: 020 7364 5008.

Please note: Objections must be made in writing and shall contain the name and address of the objector. Such objections will be sent to the applicant and will become public documents, however, personal details such as name, address and telephone number will be removed.

Appendix 14

Kathy Driver

From: Tom Lewis
Sent: 19 July 2022 16:48
To: Licensin
Cc: [REDACTED]
Subject: Club Oops, 30 Alie Street, London Ref: M/150515 - Objection
Attachments: LA.Rep.SEV.AlieSt30.NilPolicy.July.22.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Please see attached objection in regards to this new application for a Sexual Entertainment Licence.

Kind regards

Tom Lewis MCIEH CEnvH
Team Leader
Licensing and Safety Team
Environmental Health and Trading Standards
Place Directorate
2nd Floor, Mulberry Place
5 Clove Crescent
London
E14 2BG

020 7364 0375
www.towerhamlets.gov.uk

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The London Borough of
Tower Hamlets Acting
as an Appropriate Authority
Via email:
Licensing@towerhamlets.gov.uk

Place Directorate
Public Realm
Environmental Health & Trading Standards

Head Of Service David Tolley

Tel 020 7364 0375
Enquiries to Tom Lewis
Email tom.lewi@towerhamlets.gov.uk

www.towerhamlets.gov.uk

19th July 2022

My reference: M/150515

Dear Licensing Authority,

**Re: Club Oops, 30 Alie Street, London
Sexual Entertainment Licence Renewal
Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982**

I write in the capacity of the Licensing Authority, acting as Responsible Authority, to object to the granting of the new application for the Sexual Entertainment Venue Licence for the above premises. The grounds for my objection are under Paragraph 12(3)(c) of the above legislation.

The London Borough of Tower Hamlets adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on 26th March 2014. In adopting this legislation, it stated that it considered that there is no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. As such the Policy States “the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero”. As this is a new application the Licensing Authority considers that this application exceeds this number of sexual entertainment establishments within this locality and as such objects to the granting of the new application upon these grounds.

We accept that this premises held a Sexual Entertainment Licence previously, however maintenance of the licence by way of an application to renew the licence was not sought prior to the expiry of the Licence dated 25th June 2021. It is reasonable to assume, since the expiry date is stated on this licence in bold text, that the Licence Holder would be aware of the need to maintain their licence by way of a renewal prior to the expiry date of 31st May 2022. With that in mind the Licensing Authority does not consider the management to be of a high standard.



This Licensing Authority acting as a Responsible Authority feels that the granting of new application for this Sexual Entertainment Licence would be contrary to the nil policy set by the Council's Sexual Entertainment Policy, and therefore it should be refused.

If you have any questions or queries in relation to any of the above, please do not hesitate to contact me.

Yours sincerely



Tom Lewis
Team Leader – Licensing and Safety
Environmental Health and Trading Standards

Cc



Appendix 15

Appendix One

Tower Hamlets Council

Sex Establishment Licensing Policy

Introduction

This policy sets out Tower Hamlets Council's proposed approach to regulating sex establishments and the procedure that it will adopt in relation to applications for sex establishment licences.

The policy of the Council is to refuse applications for sexual entertainment venues. This policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances. Such circumstances will not be taken to include the quality of the management, its compliance with licence conditions, the size of the premises or its operating hours.

The policy is intended as a guide to applicants, licence holders, people who want to object to applications and members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making.

When the decision making powers of the Council are engaged each application will be dealt with on its own merits but this policy gives prospective applicants an early indication of whether their application is likely to be granted or not. It also provides prospective applicants details of what is expected of them should an application be made.

The legal controls for sex establishment premises are contained in the Local Governmental (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

There are 3 types of sex establishments which fall into the licensing regime:-

Sex shops

Sex cinemas

Sexual entertainment venues

The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.

Policy Rationale

The policy has been developed that sets out how the legislation will be administered and applied. The policy identifies how the Council would exercise the licensing regime in relation to sexual entertainment venues.

The policy has been developed to reflect and complement existing Council plans and strategic approach, namely:-

- Tower Hamlets Community Plan.
- Tower Hamlets Crime & Drug Reduction Partnership Plan.
- Tower Hamlets Enforcement Policy.
- Tower Hamlets Core Strategy.
- Tower Hamlets Town Centre Spatial Strategy.
- Tower Hamlets Statement of Licensing Policy (Licensing Act 2003).
- Tower Hamlets Statement of Licensing Policy (Gambling Act 2005).

The policy has also been prepared with regard to:

- Consultation responses
- Human Rights Act 1998
- Equalities Act 2010

The policy seeks to contribute to the “One Tower Hamlets” principle by fostering community cohesion, reducing inequalities and empowering communities. The public consultation that was undertaken concerning the adoption of a nil policy did not have overwhelming support. Therefore careful consideration has been given to the policy response, given the balance that the consultation returns did not give overwhelming support.

Policy Considerations

Existing Licensed Premises

The Council has had the ability to licence sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 for many years.

There are no licensed sex shops in Tower Hamlets.

The businesses that hold premises licences under the Licensing Act 2003 with permissions that will be affected by the adoption of the sexual entertainment venue licensing regime are as follows:-

NAME	ADDRESS
THE BEEHIVE	104-106 Empson Street, London, E3 3LT
EONE CLUB	168 Mile End Road, London, E1 4LJ
NAGS HEAD PUBLIC HOUSE	17-19 Whitechapel Road, London, E1 1DU
THE PLEASURE LOUNGE	234 Cambridge Heath Road, London, E2 9NN
WHITE SWAN	556 Commercial Road, London, E14 7JD
ASTON'S CHAMPAGNE AND WINE BAR BASEMENT & 1ST FLOOR	187 Marsh Wall, London, E14 9SH
CLUB PAISA	28 Hancock Road, London, E3 3DA
OOPS	30 Alie Street, London, E1 8DA
WHITE'S GENTLEMANS CLUB	32-38 Leman Street, London, E1 8EW
SECRETS	43-45 East Smithfield, London, E1W 1AP
IMAGES	483 Hackney Road, London, E2 9ED

Tower Hamlets Council has adopted schedule 3 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1st June 2014 so that it can:

- set a limit on the number of sexual entertainment venues
- determine premises that are appropriate for the borough and
- licence sexual entertainment venues

Sexual entertainment venues are those that regularly provide lap dancing and other forms of live performance or live display of nudity.

Establishments that hold events involving full or partial nudity less than once a month may be exempt from the requirements to obtain a sex establishment licence and applicants are advised to contact the Licensing Team for advice.

Limits on the number of licensed premises

The Council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough and it does not want to see an increase in the numbers of premises that are currently providing these activities.

The Council intends to adopt a policy to limit the number of sexual entertainment venues in the borough to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Tower Hamlets for several years. The Council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management
- A management structure and capacity to operate the venue
- The ability to adhere to the standard conditions for sex establishments

The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Council will consider any new applications more favourably.

Location of premises

The Council's policy is that there is no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero.

As previously stated in the policy the Council will treat each application on its own merits however applicants should be aware that the Council will take into consideration the location of the proposed premises and its proximity to:

- residential accommodation,
- schools,
- premises used by children and vulnerable persons
- youth, community & leisure centres,
- religious centres and public places of worship
- access routes to and from premises listed above
- existing licensed premises in the vicinity

Impact

In considering applications for the grant of new or variation applications the Council will assess the likelihood of a grant causing impacts, particularly on the local community.

The Council will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicant's previous knowledge and experience
- the applicant's ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant

- any reports about the applicant and management of the premises received from residents, Council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the Council will take into account

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any reports about the licensee and management of the premises received from residents, Council officers or the police
- whether appropriate measures have been agreed and put into place to mitigate any adverse impacts
- any evidence of complaints about noise or disturbance caused by premises

In considering applications for transfer the Council will take into account:

- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, Council officers or the police

- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

Applicants

Where appropriate the Council expects applicants to:

- demonstrate that they are qualified by experience
- have an understanding of general conditions
- propose a management structure which will deliver compliance with operating conditions for example through
- Management competence
- Presence
- Credible management structure
- enforcement of rules internally – training & monitoring
- a viable business plan covering door staff, CCTV
- policies for welfare of performers
- demonstrate that they can be relied upon to act in best interests of performers through remuneration, facilities, protection, physical and psychological welfare
- have a transparent charging scheme with freedom from solicitation
- a track record of management compliant premises or employ individuals with such a track record

New applicants may be invited for interview by the Licensing Officer and /or Police Officer prior to the application being referred to the Licensing Committee for determination.

Applications from anyone who intends to manage the premises on behalf of third party will be refused.

Premises appearance and layout

The Council expects premises to:-

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of photographs or other images which may be construed as offensive to public decency

- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV
- surveillance by CCTV of all private booths

Conditions

The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

Specifically, standard conditions could include measures which are found in the appendix of this policy.

The Application Process

Making a new, renewal, transfer or variation application

The Act requires the Council to refuse all application if the applicant:

- Is under the age of 18 or
- Has had their licence revoked in the last 12 months or
- Is not resident in the UK, or has not been a UK resident for the last 6months
or
- Has been refused an application in the last 12 months or
- Is a corporate body which in not incorporated in the UK

Applications forms and details of current fee levels are available:

- on the Council's website (www.towerhamlets.gov.uk)
- from the Licensing Team on 020 7364 5008
- by email to licensing@towerhamlets.gov.uk

The Council prefers to receive electronic applications and *offers a choice off payment options the details of which are contained in the application pack.*

The Council expects the premises to have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a new licence.

In order for the application to be valid the applicant must:

- Submit the completed application form
- Pay the application fee
- Submit a floor plan, drawn to scale showing the layout of the premises(new applications only)
- Submit a location plan (1;1250) showing the location of the premises(NB. plans will not be required for transfers nor renewal applications)
- 2 passport size photos of the applicant where the applicant is an individual rather than a limited company
- 2 passport size photos of the manager if applicant is a limited company(NB: photos will only be required if there has been a change of applicant or manager since the last application)
- Display an A4 notice at the proposed premises for 21 days following the date that the completed application is submitted setting out the application details. The notice must be in a prominent position so that it can be easily read by passers-by. A notice template will be provided with the application form.
- publish a notice on at least one occasion in a local newspaper, during the period of ten working days starting on the day the application was given Council. The advert can be any size or colour but must be readable.

Applicants who wish to advertise the application in another local newspaper are advised to contact the Licensing Team beforehand, to confirm that it is acceptable.

On receipt of a valid application the Council will consult:

- The Police
- The Fire Brigade
- Building Control
- Health and Safety
- Ward Councillors

For new and variation applications the Council will also consult:

- Development Control Team
- Local residents living within 50m of the premises

Authorised Officers from the Council, Fire Brigade and Police may choose to inspect the premises and require works to be carried out to bring the premises up to the required standard before the premises can be used for licensable activities.

The Council will not determine an application for a licence unless the applicant allows an authorised officer reasonable opportunity to enter the premises to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Representations

Anyone wishing to object to the application must submit a representation, in writing, within 28 days of the date that the valid application was received by the Council.

Representations can either be submitted via

- Our website: www.towerhamlets.gov.uk
- Email to: licensing@towerhamlets.gov.uk
- Post to: Consumer and Business Regulations, Licensing Team, 6th Floor, Mulberry Place, 5 Clove Crescent, E14 2BG.

A person making a representation must clearly state their name, address, and the grounds for objecting to the application and indicate whether they consent to have their name and address revealed to the applicant. Copies of representations will be made available to the applicant 14 days before the committee hearing.

The Council will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act).

The Council prefers to receive electronic representations.

Late representations may be admissible at the discretion of the Council if there's sufficient reason to indicate that applicants will not be significantly prejudiced by the

decision to allow a late objection to be considered. In making such a decision the Council will take into account:

- The length of the delay
- The amount of time that the applicant has to consider the representation before the hearing date
- If other representations have been received before the deadline

Determining an application

Applications with no representations will be approved under delegated authority to officers.

Applications with representations recommending that conditions be attached to the licence and which are acceptable to both the applicant and person making the representation can be approved under delegated authority to officers.

All other contested applications will be referred to the Licensing Committee for determination. The applicant, anyone making a representation and the ward Councillors will be notified the date, time and venue of the hearing and invited to attend to address the committee in person.

Applications can take up to 14 weeks to be determined. If an application is likely to take longer than 14 weeks to determine the Council will notify the applicant in writing before this deadline. Applications for sex establishment licenses are exempt from the tacit consent provisions of the EU Services Directive on the grounds of public interest and the legitimate interests of third parties.

The applicant will be notified in writing about the outcome of their application within 5 working days of the decision being made.

Sex Establishment licences are usually issued for 12 months, but can be issued for a shorter period if deemed appropriate.

In order to continue operating as a sex establishment the licence holder must make a renewal application prior to the expiry of the existing licence.

Appeals

Any applicant who is aggrieved by a decision to refuse an application or by the imposition of any conditions can appeal to the Magistrates Court within 21 days of receiving the decision in writing.

Grounds for refusing an application

1. The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
2. That if the license were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a license if he made the application himself
3. That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
4. That the grant or renewal of the license would be inappropriate, having regard:-
 - a. to the character of the relevant locality
 - b. to the use to which any premises in the vicinity are put; or
 - c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Transitional Arrangements

Broadly speaking, those existing sexual entertainment venues (lap dancing clubs etc) with a premises licence under the Licensing Act 2003, under which it is lawful to provide such entertainment, will continue to be able to operate for one year after the Council adopts the 2009 Act provisions or, if later, the determination of any application submitted during that year.

The 'transitional period' will last for 12-months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'

Existing Operators

To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later

For the purposes of the Transition a "2003 Act Licence" means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

"Preparatory work" refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to the Council. However, where a dispute arises between the Council and

a licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the Council will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.

For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

Appointed Days

1st Appointed Day

The day on which the Sexual Entertainment Venue regime comes into force in the Borough and the beginning of the transitional period (1st June 2014)

2nd Appointed Day

The day 6 months after the 1st appointed day (1st December 2014)

3rd Appointed Day

The day 6 months after the 2nd appointed day and the end of the transitional period (1st June 2015)

New Applications

New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence

Determining Applications Received On or Before the 2nd Appointed Day

Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

As the Council is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.

No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

Determining Applications Received After the 2nd Appointed Day

Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.

As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

Outstanding Applications

The Council will attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of

relevant entertainment, before the date that Schedule 3 as amended by the 2009 Act comes into force in their area.

Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants

Additional information and advice

Please contact:

Consumer and Business Regulations
Licensing Team
6th Floor,
Mulberry Place,
5 Clove Crescent,
E14 2BG.
licensing@towerhamlets.gov.uk
020 7364 5008

Non-Executive Report of the: Licensing Committee 26 th September 2022	 TOWER HAMLETS
Report of: David Tolley Head of Environmental Health and Trading Standards	Classification: Unrestricted
Gambling Policy 2022 - 2025	

Originating Officer(s)	Tom Lewis Team Leader of Licensing and Safety
Wards affected	All wards

1. Executive Summary

- 1.1 As a Licensing Authority the Council must review the existing Gambling Policy and adopt a new policy in November 2022, as one of the responsibilities it has to regulate ‘high street’ premises under the Gambling Act 2005. The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered.

- 1.2 The Act requires Licensing Authorities to aim to permit the use of premises for gambling in so far as it is in accordance with the regulatory framework (any codes of practice and Gambling Commission guidance) This means that the council can only refuse gambling that is not in accordance with the codes of practice and guidance and cannot for example ban gambling or specific forms of gambling.

- 1.3 The Policy will be presented to Full Council for adoption under the provisions set out by the Council’s Constitution.

2. Recommendations:

The Licensing Committee is recommended to:

- 2.1 Note the reviewed policy that must be agreed by full Council.

3. REASONS FOR THE DECISIONS

- 3.1 This is a noting report providing the Licensing Committee with an update on the review of the Gambling Policy and to note the reviewed policy post consultation.
- 3.2 All relevant local authorities are required under the Gambling Act to review their gambling policy at least every 3 years. The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered

4. ALTERNATIVE OPTIONS

- 4.1 This is a noting report.

5. DETAILS OF THE REPORT

- 5.1 The Gambling Act 2005 gives local authorities a range of responsibilities relating to gambling. The Gambling Policy states how the Licensing Authority will exercise this responsibility.
- 5.2 This policy covers the following:
- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
 - The main licensing objective for the authority is protecting the vulnerable.
 - The Licensing Authority approach to regulation
 - The scheme of delegation
- 5.3 The Gambling Policy complies with guidance issued by the Gambling Commission.
- 5.4 Members should note that some of the major issues and concerns about gambling are not addressed in the policy or by the approach of the consultation. For example, gambling addiction is outside the remit of the consultation, as are arguments about the public benefits, or otherwise, of a more liberal gambling regime.
- 5.5 All applicants and licence holders must promote the three licensing objectives. This Policy is written with the view to promoting the three licensing objectives of the 2005 Act. These objectives are:
- i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - ii. Ensuring that gambling is conducted in a fair and open way; and
 - iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 5.6 The Council does not have the powers within its Gambling Policy to regulate on-line gambling sites. All gambling websites trading with, or advertising to, consumers in Britain must have a Gambling Operators licence and a Remote Gambling Licence both issued by the Gambling Commission. Remote-Gambling is regulated by the Gambling Commission and Local Authorities do not hold any powers under the act in respect of Remote Gambling (i.e., Online Gambling).
- 5.7 The responsibilities the Council has under the Gambling Act 2005 have not been controversial. At the time of writing this report there are 49 Gambling Premises (42 Betting Shops and 7 Adult Gaming Centres (AGCs)), which have licences granted by this Authority. This shows a 38% reduction in Licensed Gambling Premises since 2019. These businesses are nearly all national companies that have conducted their business within the legal framework. Furthermore, they will have had an Operator Licence issued by the Gambling Commission. The number of premises in a particular area is not a ground for objection.
- 5.8 Betting shops were removed from their previous A2 use class and made a 'sui generis' use i.e., a planning use class on their own. As such planning permission is now required to change the use from any other use to a betting shop. Planning powers cannot control existing betting shops if they have already opened up under a permitted change of use before the recent changes to the use class order moving betting shops from A2 to 'sui generis'. However, any further change of use applications for a betting shop would be subject to a planning application. Part 1 (Policy D.TC5) of the Tower Hamlets' Development Control Service's Local Plan 2031, specifically mentions Betting Shops. As a result, applicants for a Gambling Licence needs to consider the Local Plan if applying for a new Betting Shop Licence.
- 5.9 We have not experienced the same volume of applications in gambling as we have in other areas of licensing. There have been three new applications for Gambling Premises Licences since 2019 and, these were all for AGC's. Two attracted representations and came before Licensing Sub-Committee, which granted one with additional conditions and refused the other. However, the latter successfully appealed to the Magistrates' Court, which granted the licence with additional conditions. The third applicant agreed additional conditions with the Police and no representations were made.
- 5.10 Licensing authorities do not have the powers to refuse new applications unless doing so would undermine one or more of the licensing objectives. The requirement for operators to prepare local risk assessments in relation to their premises also means that licensing authorities need to set out their expectations within their statements of Gambling Policy.

- 5.11 The consultation period took place from the 7th March to the 29th May 2022. The draft reviewed policy and table of changes were publicised online along with a survey questionnaire. The Responsible Authorities were written to along with those currently holding Gambling Licences issued by the Authority. Further wider consultation was completed that included writing to Councillors, Resident Associations, and a variety of interested parties. A full list of consultees is detailed in **Appendix One**.
- 5.12 The changes made to the Gambling Policy are detailed within **Appendix Two** (Table of Changes). The changes covered the following areas:
- Updates to Policy's approach toward the objective of "Protecting children and other vulnerable people from being harmed or exploited by gambling".
 - Referral to Planning Authority's Local Plan, and clarification of the Licensing Authority expectation on applicants about planning permission.
 - Relevant Representations Section added.
 - Paragraphs on Bingo in Clubs and Licensed Premises added.
 - Appeals Section added.
 - Small Society Lotteries section added.
 - Annex 5 Local Area Profile
- 5.13 During the consultation process responses were received from two the Council services and one gambling operator. Furthermore 14 of the 53 responders to the online survey made comments on the reviewed policy. These representations and comments are detailed in Appendix Three. We have reviewed the comments made therein and have made changes to the original consulted document in relation to the following:
- Location and Local Risk Assessments (Public Health)
Policy now encourages applicants to speak to Public Health when producing their local risk assessments. This will assist applicants to consider any local risks relevant to the part of the borough they are intending to operate in and put in place policies and procedure to mitigate such risks.
 - Updates to sections of Children and Vulnerable Persons (Violence Against Women and Girls Team)
Changes to the wording in the sections relating to vulnerable persons and an encouragement for the applicant to speak to the Council's VAWGs Service in respect to any guidance or training they can provide to applicants to better protect vulnerable persons.
 - Consideration of Planning links and CSE (Paddy Power)
Responder felt that the mention of Planning and directing applicants to consider planning was not appropriate since they are separate regimes. They made a similar comment about the policy's mention of Child Sexual Exploitation (CSE) in that this was not relevant to the objective under the Gambling Act 2005. No changes were made as a result of these comments.
 - Applicants for AGCs applicants encouraged to consider voluntarily adopting the similar hours permitted hours of operation as betting shops, in this case 7:00 am to 10:00 pm every day. Change made to reflect the comments on opening hours made during the consultation.

- 5.14 Most existing AGCs are subject to planning conditions that control opening hours. If there are reported breaches of opening hours, the Planning Service will investigate and seek to ensure opening hours are complied with. Where there are persistent breaches, there are powers available under Section 187a of the Town and Country planning Act 1990, to serve a breach of condition notice (BCN). There is no right to appeal a BCN and failure to comply can lead to a prosecution through the Courts.
- 5.15 For planning purposes AGCs are sui generis. This means that planning permission is always required to change the use of a premises to a new gaming centre. The Council's Local Plan policies seek to restrict any new facilities to the Central Activity Zone (areas around Aldgate, Bishopsgate and the Tower of London), Canary Wharf and district centres (Bethnal Green Road, Roman Road, Brick Lane, Whitechapel, Watney Market, Chrisp Street and Crossharbour). Planning policies resist changes of use where there is an over concentration of similar uses; where the site is near a school or sensitive community, cultural or social facilities or where the proposal would detrimentally impact the amenity and character of the area.
- 5.16 Results from the online survey can be found in **Appendix Four** – Let's Talk Survey Response Report, and **Appendix Five**, Let's Talk Summary Report.
- 5.17 It is proposed that the current 'no casino' resolution that is currently in the existing policy remains.
- 5.18 The revised Gambling Policy that is due to take effect from December 2022, if agreed, is detailed within **Appendix Six**.
- 5.19 An Equalities checklist has been undertaken as is at **Appendix Seven**.

6 **EQUALITIES IMPLICATIONS**

- 6.1 The Equalities Impact Assessment has been reviewed in respect of this policy and no specific impacts have been identified. An additional section "Equality & Inclusion in Gambling Premises has been added to address the Public Sector Equality Duty and to link to the Council's Equality Policy.

7 **OTHER STATUTORY IMPLICATIONS**

- 7.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.

7.2 **Best Value Implications**

This is a statutory policy which the Council must have in place in order to determine applications under the Gambling Act 2005.

7.3 **Environmental considerations**

There are no adverse impacts identified.

7.4 **Risk Management**

The Council will be at risk of legal challenge if its decision-making process on formal action is not transparent and evidentially based in relation to non-compliance of licence conditions.

The impact of business operating without a licence has a potential impact on the local community.

7.5 **Crime and disorder reduction implications**

One of the Gambling Objectives is "Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime". This policy adheres to this thus it does have seek to reduce crime and disorder as Gambling Premises who fail to promote this objective may have their licence reviewed or not granted.

8 **COMMENTS OF THE CHIEF FINANCE OFFICER**

- 8.1 There are no financial implications emanating from this report which seeks to review and adopt a revised gambling policy from November 2022

9 **COMMENTS OF LEGAL SERVICES**

- 9.1 Section 349(1) of the Gambling Act 2005 requires each local authority to prepare and publish, at least every three years, a statement of principles (a Gambling Policy") to be applied in the exercise of their functions under the Act.
- 9.2 The content and form of the policy is prescribed by Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. Regulation 7 deals with the publication requirements, which stipulate that the statement of principles be published in the prescribed manner for at least four weeks before the statement comes into effect.
- 9.3 Before publishing that statement of principles the authority must consult in accordance with section 349(3). The statutory consultees are the Commissioner of the Metropolitan Police, one or more persons who appear to the authority to represent the interests of people carrying on gambling business in the authority's area, and one or more people who appear to the authority to represent the interests of persons likely to be affected by the exercise of the authority's functions under the Act.

- 9.4 The principles of effective consultation require that: consultation be carried out when proposals are at formative stage; the consultees must be given sufficient and accurate information and reasons so as to be allow for proper consideration; adequate time be given for responding; the fruits of the consultation must be conscientiously taken into account when making the decision.
- 9.5 Section 149 of the Equality Act 2010 requires the authority, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act, to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between those who share a relevant protected characteristic and those who do not. The relevant protected characteristics are age; disability gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The duty must be complied with at the time that the decision under consideration, in this case the recommendation to adopt the Policy, is taken. It is not a duty to achieve a particular result, however.
- 9.6 The decision to approve the Statement of Gambling Principles is expressly stated in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as being a function that cannot be the responsibility of the executive. The Full Council must decide to approve the Statement. Cabinet only has power to recommend this Statement of Principles to full Council for decision

Appendices

- Appendix One: List of Consultees
- Appendix Two: Statement of Gambling Policy review – Table of Proposed Changes
- Appendix Three: Table of Written Responses to the Gambling Policy Consultation
- Appendix Four: Online Survey Feedback Report
- Appendix Five: Online Survey Summary Report
- Appendix Six: Proposed Gambling Policy 2022 - 2025
- Appendix Seven: Equalities Impact Checklist

Appendix One

List of consultees:

Authorities/Bodies

- The Gambling Commission
- Metropolitan Police Service
- HMRC
- The London Fire Brigade
- Mayor's office for Policing and Crime (MOPAC)
- The Institute of Licensing (IoL)
- Adult Care Service, London Borough of Tower Hamlets
- Council of Mosques
- NSPCC
- Tower Hamlets Clinical Commissioning Group (THCCG), NHS
- The Young Mayor, London Borough of Tower Hamlets
- Maritime and Coastguard Agency (MCGA)
- The Environment Agency
- The Canal and River Trust
- Health and Safety Executive (HSE)
- London Legacy Development Corporation
- Port of London Authority
- Licensing, Environmental Health and Trading Standards Service
- Health and Safety, Environmental Health and Trading Standards Service
- Trading Standards, Environmental Health and Trading Standards Service
- Public Health Service, London Borough of Tower Hamlets
- Child Protection, London Borough of Tower Hamlets
- Environmental Health, Environmental Health and Trading Standards Service
- Community Safety, London Borough of Tower Hamlets
- Planning and Building Control Service, London Borough of Tower Hamlets
- Violence Against Women and Girls (VAWAG) Service, London Borough of Tower Hamlets
- Growth and Economic Development, London Borough of Tower Hamlets
- Employment and Enterprise, London Borough of Tower Hamlets
- Licensing, London Borough of Hackney
- Licensing, London Borough of Southwark

- Licensing, City of London Corporation
- Licensing, London Borough of Lewisham
- Licensing, Royal Borough of Greenwich
- Licensing, London Borough of Newham

Gambling Operators/Businesses:

- Carousel Amusements
- Greenwich Leisure Limited (GLL)
- Merkur Cashino
- Gala Coral Group
- Joe Jennings
- William Hill
- Paddy Power
- Roar Betting
- Tote Betting
- Two Way Media

Gambling Support Services

- GamCare
- Responsible Gambling Trust

Businesses

- All Gambling Premises Licence Holders (Gambling Act 2005) in the Borough

Licensing Committee Members

- Councillor Amina Ali
- Councillor Dipa Das
- Councillor Ayas Miah
- Councillor Mohammed Pappu
- Councillor Kyrsten Danielle Perry
- Councillor Zenith Rahman
- Councillor Dan Tomlinson
- Councillor Eve McQuillan
- Councillor Shad Uddin Chowdhury
- Councillor Shah Suhel Ameen

- Councillor Tarik Ahmed Khan
- Councillor Victoria Ngozi Obaze
- Councillor Mohammed Ahabab Hossain
- Councillor Rajib Ahmed
- Councillor Peter Golds

Councillors

- Councillor Asma Islam
- Councillor Sirajul Islam
- Councillor Motin Uz-Zaman
- Members Bulletin

Resident Groups/Associations

- St Georges Residents Association
- SPIRE
- Ezra Street Residents

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Appendix Two

Statement of Gambling Policy Review – Proposed Changes 2022 - 2025

Section/Page	Addition/Deletion	Rationale
All	Paragraph numbering to changes as per the new changes to the documents	Formatting as part of the review and update.
Page 1	Add: Front page with LBTH Logo and “ <i>The London Borough of Tower Hamlets, Gambling Policy 2022 – 2025</i> ” “ <i>Effective 14th December 2022</i> ” then	Current policy has now front page.
Page 2	New Contents Page	To reflect changes, note the numbers are added as if the deletions have been removed.
Page 4	Para 1.3 Changed from: This Policy replaces the previous one published on 5 th December 2016 and covers the period from 5 th December 2019 to 4 th December 2022. To: <i>This Policy replaces the previous one published on 14th December 2022 and covers the period from 14th December 2022 to 13th December 2025.</i>	Update to new policy dates.
Page 4	Insert new para below para 1.4:	Provides definition

	<p><i>The definition of ‘Gambling’ is defined in the Act as either gaming, betting, or taking part in a lottery:</i></p> <ul style="list-style-type: none"> • <i>gaming means playing a game of chance for a prize</i> • <i>betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not</i> • <i>a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.</i> 	of Gambling under the 2005 Act.
Page 4	<p>Move Para 1.5: <i>This Policy is written with the view to promoting the three licensing objectives of the 2005 Act:</i></p> <ul style="list-style-type: none"> <i>i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;</i> <i>ii. Ensuring that gambling is conducted in a fair and open way; and</i> <i>iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.</i> <p>To page 6 to sit under “Policy Statement” to become the third para (now para 2.3).</p>	Better flow, and in compliance more with Gambling Commission Guidance on Statement of Licensing Policy.
Page 4	<p>Delete (previously para 1.6): <i>As part of this licensing authority’s approach to reduce gambling-related harm we support the Government proposals to reduce the maximum stakes for Fixed Odds Betting Terminals (FOBTs) to £2 and other measures regarding allocations of gaming machines and social responsibility measures to minimise the risk of gambling-related harm.</i></p>	Old, no longer relevant to include as no forms part of the legislation.
Page 4 (5 on	Para 1.7 (now 1.6) delete last sentence “A map of the geographical area of the borough	Update to borough

reviewed policy)	<p>can be found in Annex 1 and this shows where Gambling premises licences have been issued within the borough.”</p> <p>Replace with: <i>“The Council publishes Borough and Area profiles – ward profiles on its website: https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Borough_profile.aspx”</i></p>	description and future proof by linking to borough profiles which will be updated.
Page 5	Para 1.8 (now 1.7) replace “Annex 2” with “ Annex 1 ”	Update to Annexs
Page 5	Below Para 1.7 insert “ Consultation ”.	In line with Gambling Commission Guidance on Statement of Gambling Policy
Page 5	<p>Amend Para (old) 1.10 below to add the new dates for the consultation. <i>The consultation took place between [insert date] and [insert date]. The results of the consultation are summarised in Annex 3</i></p> <p>Amend Para (old) 1.11 to the below: <i>The policy was approved at a meeting of the Full Council on [insert date] and published via our website (see link below). It is also available in the Town Hall and Idea Stores within the Borough. [Insert link]</i></p>	Update for new Policy.
Page 6 (6 on reviewed Policy)	<p>Para 2.2 amend sub paras a) to d) to read as below: a) <i>in accordance with any relevant code of practice issued under section 24 of the 2005 Act,</i></p>	Improve clarity.

	<p><i>b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the 2005 Act,</i></p> <p><i>c) reasonably consistent with the licensing objectives, subject to a) and b) above,</i></p> <p><i>d) in accordance with this Policy and with reference to our Local Area Profile, subject to a) to c) above.</i></p>	
<p>Page 6 (7 on reviewed Policy)</p>	<p>After Para 2.3 (now 2.4) Add:</p> <p>3 Equality & Inclusion in Gambling Premises</p> <p>As per Tower Hamlets Equality Policy, we want Tower Hamlets to be a place where people have equal access to opportunities and where inequality is actively tackled. Tower Hamlets Equality Policy recognises that this can only be done by working with our partners to advance equality, promote good community relations and tackle discrimination. The Council believes that diversity of our community is one of our greatest strengths and assets. We value the strength that comes with difference and the positive contribution that diversity brings to our community. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work, and visit the borough. The Equality Policy seeks to embed equality throughout the council's plans, services and activities to ensure it is a key driver for everything we do.</p> <p>It is unlawful for any gambling venue to discriminate against anyone based on race, sex, sexual orientation, age, or any of the protected characteristics under the Equality Act 2010. Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 (2010 Act) and relevant guidance for businesses, which can be found on the Equality & Human Rights Commission website. The 2010 Act makes discrimination against any person (including employees and customers) unlawful. The 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and</p>	<p>Link to Councils Equality Policy and consider PSED.</p>

sexual orientation. Any activity in breach of the 2010 Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.

The Council must have regard to its public sector equality duty under the 2010 Act. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- our expectations on licensed venues to promote equality & inclusivity.

There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:

- Inclusive and transparent policies (for example, admittance policies may clearly stipulate adherence to a dress code and refusal if there are concerns about a customer; however, they must not prevent admittance based on any of the protected characteristics).
- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff, which is regularly refreshed.

This Authority will use the Licensing Process to ensure both Operators and the Council are

	<p>compliant in carrying out their legal obligations. This includes:</p> <ul style="list-style-type: none"> • determining licensing applications and reviews. • making representations as a responsible authority. • applying for reviews in appropriate circumstances. • defending appeal decisions. <p>In essence this means that the Council through this licensing process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.</p>	
Page 7 (9 on revised Policy)	<p>After Para 3.2 Add 5 Tower Hamlets Plan</p> <p>Change para numbers accordingly. Below above para 3.3 (now 5.1) Add the below sentence to the end of the para: <i>This policy also takes into consideration the Tower Hamlets Plan 2018-2023 and the Annual Report (2021), which sets out key areas of focus going forward.</i></p> <p>Amend Para 3.4 (now 5.2) to the below: <i>The commitment of Tower Hamlets Plan is Building a stronger, more inclusive and fairer borough.</i></p> <p>Amend Para 3.5 (now 5.4) to Add “<i>and the Annual Report (2021)</i>” after “Tower Hamlets Plan”.</p>	Update and to link in with Annual Report done in 2021.
Page 7 (10 on revised Policy)	<p>Add and addition Para below para 3.5 (now 5.3): <i>Whilst Tower Hamlets recognises that Gambling Licensing and Planning are two separate regimes, it expects applicants to have any the necessary Planning Permissions in place at the time of their Gambling Application. See Part B Paragraph 2 for more information. In</i></p>	Link to Tower Hamlets Local Plan 2031.

	<p>respect of this applicant should have regard for Tower Hamlets Local Plan 2031: https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx</p> <p><i>In particular, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.</i></p>	
Page 8 (10 on Revised Policy)	<p>Para 4.3 (now 6.3) Replace Local Safeguarding Children Board with: <i>Safeguarding Children’s Partnership</i></p> <p>Safeguarding Children’s Partnership</p>	Change notified by Corporate Leadership Team
Page 9 (12 on Revised Policy)	<p>After section 5 “Interested Parties” (now 7) insert new Heading and three Paras as per below:</p> <p>8 Relevant representation</p> <p><i>Representations relating to an application will be considered as admissible where they are made by an interested party or responsible authority. The Licensing Authority will then normally only consider that representations are relevant where they relate to the licensing objectives, the Guidance, the Codes of Practice or the Statement of Gaming Policy.</i></p> <p><i>The Licensing Authority may determine an application without a hearing despite having received representations from interested parties or responsible authorities where it thinks the representations are vexatious, frivolous or will certainly not influence the authority’s determination of the application. Where the Licensing Authority determine that a representation is vexatious, frivolous or will not influence the authority’s determination of the application, we will notify the interested person or responsible authority who making</i></p>	Better clarity for readers on Representations

	<p><i>such a representation of this determination.</i></p> <p><i>Anyone making representations on an application should note that their details will be made available to the applicant in the interest of fairness and to allow for negotiation. In the event of a hearing being held, representations will form part of a public document.</i></p>	
Page 10 (13 on revised Policy)	Amend Para 6.3 (now 9.3). Change 2019 to “2022” and change 2022 to “2025”.	Reflect new policy timeline.
Page 10 (13 on revised Policy)	Para 6.6 (now 9.6) add sub para g) “ <i>Health and Safety Inspector</i> ”.	Allow for sharing where necessary and appropriate with Health and Safety Inspectors of the Service.
Page 12 (15 on revised policy)	<p>Amend Para 7.8 (now 10.8) from:</p> <p>We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response and the targeting of problem premises. We will not routinely carry out full premises inspections and the frequency of inspections will be determined on risk-based criteria with high- risk operations receiving more attention than premises deemed to be of low risks.</p> <p>To:</p> <p><i>We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response and the targeting of problem premises. Inspections will be risk based and established on:</i></p> <ul style="list-style-type: none"> • <i>the Licensing objectives</i> • <i>relevant Codes of Practice</i> 	Better clarity on our approach to inspections of Gambling Premises and our approach where reasonable access is not provided.

	<ul style="list-style-type: none"> • <i>Guidance</i> • <i>the Policy</i> <p>Add two additional paras below the new para above: <i>We may inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.</i></p> <p><i>Any inspections undertaken will be by the Licensing Authority and/or a relevant responsible authority. Where the applicant has not allowed reasonable access permission will normally be refused. The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.</i></p>	
Page 14 (19 on revised Policy)	<p>Under Para 8.11 (now 11.11) “Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling” add new para as below:</p> <p><i>In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling and having restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. The Licensing Authority will therefore judge the merits of each application before considering whether specific measures are required such as:</i></p> <ul style="list-style-type: none"> • <i>restrictions on advertising and style of the premises where premises cater solely or mainly for adults so that gambling products are not aimed at children or advertised in such a way to make them particularly attractive to children;</i> • <i>restrictions on layout or on where certain machines may be in</i> 	Clarity and strengthening of our approach to this objective and more in line with Gambling Commission Guidance.

	<i>operation.</i>	
Page 15 (19 on revised Policy)	<p>Under Para 8.12 (now 11.13) Add below Paras: <i>When determining an application to grant or review a premises licence, regard may be given to the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure.</i></p> <p><i>The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits and may depend in part on the type of gambling proposed. Therefore, if an applicant can effectively demonstrate in its policies how they might overcome licensing objective concerns, this will be taken into account. Applicants may wish to consult with Tower Hamlets Connect in regard to assist in determining locations of vulnerable persons premises.</i></p>	Update to how we approach applications near to locations that could impact the Objective of Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Page 15 (19 on revised Policy)	<p>Para 8.12 (now 11.16) Change para to the below and make it a separate number Para: <i>As there is a difference between children and vulnerable persons, we have separated the rest of this section into Children and vulnerable people.</i></p>	Better clarity due to additions above.
Page 17/18 (22 on revised policy)	<p>Para 8.23, (now Para 11.27, k). Replace "Violence" with "Abuse"</p>	Consultation response from VAWG Team

Page 18 (22 on revised policy)	<p>Para 8.25, (now Para 11.29). Delete “This” and Add “<i>When dealing with gambling premises applications this</i>”</p> <p>After the Word “visit” Delete “when dealing with premises applications”</p>	Consultation response from VAWG Team
Page 18 (23 on revised policy)	<p>Para 8.27 (now 11.31) Replace “encourages” to “expects”.</p> <p>Add below sentence to the bottom of the para: <i>We also expect operators to have policies in place that reflect the Gambling Commission’s National Strategy to Reduce Gambling Harms.</i></p>	Strengthen policy on approach to applicants preventing Gambling Related Harms. More in line with Gambling Commission Guidance.
Page 18 (23 on revised policy)	<p>After Para 8.27, (now para 11.31) Add following Para:</p> <p><i>“We would also encourage operators to consider any relevant policies produced by the Council’s Violence Against Women and Girls (VAWG) Service. In particular any training offered by this service in respect of this issue. For more information, please see the link to this service’s web page below:</i></p> <p>https://www.towerhamlets.gov.uk/lqnl/community_and_living/community_safety_crime_prevention/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx”</p>	Consultation response from VAWG Team
Page 19 (24 on revised Policy)	<p>Under Para 2.1 Insert the below heading and three paras:</p> <p><u><i>Planning</i></u></p> <p><i>Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning</i></p>	Ensure Applicants do not breach Planning Policies and Legislation

	<p><i>consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the premises in place at the time of the Gambling application.</i></p> <p><i>As stated in the Tower Hamlets Plan section of the Introduction above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.</i></p> <p><i>There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the Gambling hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.</i></p>	
<p>Page 22 (revised, moved location – 23 to 25)</p>	<p>Move “12 Location and Local Risk Assessments” (pages 28 to 30 – Old) to sit above 3 Premises. To read as below: 3 Location and Local Risk Assessments</p> <p><i>This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission’s Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.</i></p> <p><i>It is the licensing authority's view that premises close to schools, playgrounds, or other educational establishments such as museums should not normally be licensed. However any such policy does not preclude any application being made and each application will be</i></p>	<p>Gives policy better flow, as this section fits in this section rather than where it currently sits. This will assist the reader.</p>

decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

The licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.

From 6th April 2016, the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) made it a requirement under the Social Responsibility (SR) code, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises, and have policies, procedures and control measures to mitigate those risks.

In making local risk assessments, applicants and licensees must take into account relevant matters identified in the following information sources:

- *This Policy*
- *Tower Hamlets Local Area Profile*
(https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Area_profiles.aspx)
- *Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits*
(https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx)
- *The Greater London Authority (GLA) – Ward Profile Tool*
(<https://data.london.gov.uk/dataset/ward-profiles-and-atlas>)

The LCCP states that licensees must undertake a local risk assessment when applying

for a new premises licence and this must be reviewed and update as necessary:

- a) to take account of significant changes in local circumstance, including those identified in this policy;*
- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;*
- c) when applying for a variation of a premises licence; and;*
- d) in any case, undertake a local assessment when applying for a new premises licence.*

Licence holders are also required to provide this licensing authority with a copy of their local risk assessment when applying for a premises licence or applying for a variation to an existing premises licence. We can also request a copy of the local risk assessment at any other time, for example, when we are inspecting premises.

Where concerns exist or new risks emerge we may ask a licence holder to provide a copy of their local risk assessment, setting out the measures they have in place to address specific concerns. Licence holders may wish to consider the benefit of making their local risk assessment available to responsible authorities and interested parties.

The licensing authority expects the local risk assessment to consider as a minimum issues presented by the local landscape, such as;

- Exposure to vulnerable groups;*
- Identification of local specific risks;*
- Type of footfall – children, visitors, families, residents;*
- Educational facilities;*
- Community Centers;*
- Homelessness /rough sleeper hostels, provision of support services.*

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- *The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.*
- *Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.*
- *The layout of the premises so that staff have an unobstructed view of persons using the premises;*
- *The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.*
- *Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.*
- *The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.*
- *Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.*

To assist operators, Annex 6 sets out the Council's Gambling Local Area Profiles criteria. In connection with this the Council recognises the Gambling Commissions National

	<p><i>Strategy to Reduce Gambling Harms, and supports the two strategy aims:</i></p> <ul style="list-style-type: none"> • Prevention and Education – making significant progress towards a clear public health prevention plan which includes the right mix of interventions. • Treatment and Support – delivering truly national treatment and support options that meet the needs of users. <p><i>The full Strategy can be viewed here: http://www.reducinggamblingharms.org/</i></p> <p><i>Licence holders and Operators should have regard to this Strategy when undertaking their local risk assessment.</i></p>	
<p>Page 22 (25/28 on revised policy)</p>	<p>After the move of the above 12 Location and Local Risk Assessments</p> <p>Add additional para to at the end: <i>“Public Health</i></p> <p><i>The Council’s Public Health Service has advised that the demographics of Tower Hamlets and local data demonstrate that there are relatively high levels of vulnerability to gambling related harm within the borough’s population. As a result of this applicants are expected to consider Public Health’s deprivation map in on our Local Area Profile page (see link above). This map identifies the areas of the borough that have high levels deprivation. Where applications for gambling premises fall within these areas of high deprivation applications are expected to contact the Council’s Public Health Service, via the email below, prior to making an application.</i></p> <ul style="list-style-type: none"> • PublicHealthLicensing@towerhamlets.gov.uk <p><i>This will assist applicants to demonstrate in their local risk assessments that their</i></p>	<p>Consultation with Public Health and Online Survey Results</p>

	<i>application will not undermine the Gambling Objectives and would not add to the already high levels of deprivation experienced by residents in this area. Where applicants fail to demonstrate this in the local risk assessments the Council's Public Health Service may object to application within these areas."</i>	
Page 19 (28 Revised Policy)	Below Para 3.3 (now 4.3) add new Para: <i>As per Social Responsibility Code Provision 3.5.6 all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. This Authority expects applicants to provide details of this in their application.</i>	Reflect changes to Social Responsibility Code and requirement to offer self-exclusion schemes.
Page 20 (29 on revised Policy)	Heading 4 Adult Gaming Centres (AGCs) para 4.1 (now para 5.1), Add the below two sentences to the bottom of this para: <i>We will have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. Applicants must consider locations in regards to whether the area may have unsupervised children, and be able to demonstrate how they intend to ensure children do not gain access to the premises.</i>	Clarifies our approach to promoting Objective - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Page 20 (29/30 on revised policy)	After para 4.2 (now 5.2) insert below new para: <i>The consultation survey completed when this policy was reviewed asked a question on hours of operation for AGCs. The Responses to this survey question indicated that they would like to see AGCs within Tower Hamlets limit their gambling times to the following:</i> <ul style="list-style-type: none"> • <i>Monday to Sunday 07:00 hours to 22:00 hours</i> 	To promote results of consultation survey.

	<i>The Council recognises that the Gambling Act 2005 does not permit a licensing authority to limit gambling activity times unless specified in legislation, codes of practice, or where evidence supports such a limit in order to promote the Gambling Objectives. Nevertheless, we would encourage applicants for AGC Premises to consider the above times when making their application, and review whether they would be willing to accept these times and limit the required gambling activity times in the application to those specified above.</i>	
Page 21 (30 of revised Policy)	Heading 5 Licensed Family Entertainment Centres (FECs) Para 5.1 (now 6.1), After last but one sentence Add below sentence: <i>This will require applicants and license holders being able to demonstrate that staffing and supervision arrangements are in place to meet this requirement.</i>	Clarity on our expectation on applicants for such Licences in terms of preventing to certain Gaming machines.
Page 22 (31 of revised Policy)	Replace Para 5.3 (now 6.3) with: <i>This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.</i>	Future proof policy, in view of possible updates from Gambling Commission
Page 22 (31 of revised Policy)	Under Heading 7 (now 8) Bingo Premises Add new para: <i>Though the Act does not give a statutory definition of Bingo, two types of bingo are commonly understood. These are:</i> <ul style="list-style-type: none"> • <i>Cash bingo – stakes paid make up the cash prizes that are won.</i> • <i>Prize bingo – various forms of prizes are won, not directly related to the stakes paid.</i> 	Clarity on what commonly constitutes Bingo.
Page 22 (32 on revised	Before Para 7.3 (now 8.4) Add the below to the end of Para 7.2 (now 8.3): <i>These gaming machines must remain within the licensed area covered by the premises</i>	Reflect changes to technology and

Policy)	<i>licence.</i>	Gambling Commission Guidance.
Page 23 (32 on revised Policy)	Para 7.3 (now 8.4) Add below sentence to end of para: <i>Licence holders and applicants must also be aware of the restrictions placed upon children and young persons working in Bingo Premises.</i>	More in line with Gambling Commission Guidance
Page 23 (33 on revised Policy)	After Para 7.5 (now 8.6) Add below: <u><i>Bingo in Clubs and Alcohol-licensed Premises</i></u> <i>Part 12 of the Act permits Bingo on alcohol licensed premises and in clubs and miners' welfare institutes. There are specific Regulations that provide the rules in relation to this (The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007, The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007). Where the level of bingo played in these premises reaches a certain threshold, it will no longer be allowed under this legislation and a bingo operating licence will have to be obtained from the Commission for future bingo games. This threshold is reached if the bingo played during any seven-day period exceeds £2000 (either in money taken or prizes awarded) once in a year.</i> <i>Where this Licensing Authority becomes aware of a alcohol licensed premises or clubs are playing bingo during a course of a week which involves significant stakes and prizes, that makes if possible that the £2000 sin seven day threshold is being exceeded, we will immediately inform the Gambling Commission.</i>	Give policy stance on Bingo in Clubs and Alcohol Licensed Premises, in line with Gambling Commission Guidance.
Page 23 (33 Reviewed Policy)	Below Heading: 8 (now 9) Betting Premises , Add new Para below: <i>Children and young people are not permitted to access betting premises. Licence holders and applicants should be able to demonstrate that they have sufficient procedures in place</i>	Legal point, however flows more in line with our

	<i>to ensure that children are not permitted into betting premises. This will involve appropriate training in regards to challenging persons who appear under age.</i>	stance on promoting objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Page 31 (38 on Revised Policy)	Para 13.2, Replace “Generally” (beginning of Para) with “Where”. Para 13.2 Delete “Normally”.	Clarity on our approach.
Page 33 (40 on Revised Policy)	Para 16.5, on the fourth bullet point, replace “stickers” with “posters”	Consultation response from VAWG Team
Page 35 (43 of Revised Policy)	Para 18.1 Last sentence, after the “regard to” Add “ <i>the Act,</i> ” and Delete “Our”.	Act was missing.
Page 36 (43 of Revised Policy)	Para 18.2, Delete last bullet point.	Already stated prior to this.
Page 36 (43 on Revised Policy)	Para 18.5, last sentence after “application” Add: <i>, provide written notice of their application to the premises licence holder and to all responsible authorities.</i>	Old sentence did not make sense.
Page 36 (44 of Revised Policy)	Para 18.10, After the word “following” Add “ <i>of our decision</i> ”.	Better clarity
Page 37 (44/45 of Revised Policy)	After para 18.10 Add below new Heading and Paras: 19 Appeals In relation to applications for premises licences, club gaming permits, club machine	Missing from current policy.

	<p>permits, and alcohol licensed premises gaming machines, and review applications, any party to a Licensing Authority decision who is aggrieved by that decision may lodge an appeal to the magistrates' court within 21 days of receiving notice of the Authority's decision.</p> <p>In relation to decisions on FEC gaming machine permits and travelling fairs, the applicant can lodge an appeal against the Authority's decision with the magistrates' court within 21 days of receiving notice of the Authority's decision.</p> <p>A person giving notice of a TUN or those entitled to receive a copy of a TUN may lodge an appeal within 14 days from receipt of decision to the magistrates' court.</p>	
<p>Page 39/40 (47/48 of Revised Policy</p>	<p>Replace Paras 2.4 and 2.5 with the below paras:</p> <p><i>As per this Policy this licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.</i></p> <p><i>This Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder. When determining such an application we will have regard to our local area profile and consider:</i></p> <ul style="list-style-type: none"> <i>a) appropriate measures / training for staff as regards suspected truant school children on the premises.</i> <i>b) measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.</i> <i>c) applicant and staff training/ understanding of the maximum stakes and prizes</i> 	<p>Better clarity and flow.</p>

	<p><i>that is permissible in unlicensed FECs.</i></p> <ul style="list-style-type: none"> <i>d) applicant’s Disclosure and Barring Service check or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years.</i> <i>e) any supporting documentation as to the design and layout of the premises.</i> <i>f) the offering of gaming is in accordance with the licensing objectives. This may include whether offering gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable.</i> <i>g) any objections raised by the police relevant to the licensing objectives.</i> <p><i>The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application these permits.</i></p> <p><i>It is this licensing authority’s view that premises close to schools, playgrounds, or other educational establishments such as museums and places of worship should not normally be licensed. As a result we will take location into account when considering and application for a permit for a UFEC premises.</i></p>	
<p>Page 40 (48 of Revised Policy)</p>	<p>Para 2.6, (now 2.7) before “plan” Add “scaled”. Then Add (at the end of the para) to also include new Para 2.8.:</p> <p><i>This plan should include:</i></p> <ul style="list-style-type: none"> <i>a) location of entrances and exits</i> <i>b) number and positions of Category D machines</i> <i>c) location of lighting inside and outside</i> <i>d) location of CCTV</i> <i>e) the amount of space around gaming machines to prevent jostling of players or intimidation</i> 	<p>Changed to ensure scaled plan is provided as per Guidance. Change to details what we expect in the plan and what we expect in the assessment of promoting the gambling objectives.</p>

	<p>f) <i>location and supervision of Automated Teller Machines</i> g) <i>the location of appropriate clear and prominent notices and barriers</i></p> <p><i>This Licensing Authority expects that applications for UFECs should normally be accompanied by an assessment of how the applicant will promote the Gambling Licensing Objectives. This should demonstrate such matters as:</i></p> <p>a) <i>numbers of staff employed and on duty at any given time</i> b) <i>details of opening hours</i> c) <i>details of Proof of Age schemes</i> d) <i>adoption of appropriate measures/training for staff as regards suspected truanting school children on the premises</i> e) <i>evidence of staff training by way of a Premises Logbook, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises</i> f) <i>evidence that the applicant and staff are trained to have a full understanding of the maximum stake and prizes that are permissible.</i></p>	
Page 40 (Page 49 of Revised Policy)	<p>Para 3.1 change second para to 3.2 and amend to the following:</p> <p><i>Premises wishing to take advantage of this automatic entitlement need to give written notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee. This notice must be from the person/organisation that holds the premises licence (under the Licensing Act 2003), and if the person/organisation ceases to be the holder of this Premises Licence , the automatic entitlement for the two gaming machines also ceases. Premises Licences under the Licensing Act 2003 that have a condition requiring alcohol to be sold as ancillary to food are excluded from automatic entitlement to have gaming machines.</i></p>	
Page 41 (49)	Para 3.2 (now 3.3). Last para, last sentence, Add “of the Licensing Committee or Sub-	Better clarity.

on Revised Policy)	<p><i>Committee</i>” after the word “hearing”.</p> <p>Para 3.3 (now 3.4) after the word “two” in the first sentence, Add “<i>category C or D gaming</i>”. Then after the word “two” further along in the same sentence, Add “<i>gaming</i>”. In the last sentence after the word “two” Add “<i>gaming</i>”.</p>	
Page 42 (50 on Revised Policy)	<p>Delete para 3.6 (now 3.7) and replace below:</p> <p><i>This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be an emphasis on the need to protect children and vulnerable persons from harmed or being exploited by gambling as detailed in paragraph 3.5 (b) above. Measures which will satisfy the authority in respect of this are:</i></p> <ul style="list-style-type: none"> • <i>that there will be no access to under 18s.</i> • <i>the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines to ensure they are not being used by those under 18.</i> • <i>Notices and signage.</i> 	Better flow
Page 43 (51 on Revised Policy)	<p>Para 4.5, Add below to start at the end of the last sentence of para 4.5.</p> <p><i>As such the plan should include:</i></p> <ul style="list-style-type: none"> a) <i>location of entrances and exits</i> b) <i>location of lighting inside and outside</i> c) <i>location of CCTV</i> d) <i>the location of appropriate clear and prominent notices and barriers</i> 	Gives better clarity on what we want to see in the plan
Page 47 (56 on Revised Policy)	<p>After Para 7.3 Add the below section:</p> <p>8 Small Society Lotteries</p> <p><i>Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as</i></p>	Previously not included. Needed to provide our policy approach to Small Society Lotteries.

defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission) and,*
- exempt lotteries (including small society lotteries registered by the Licensing Authority).*

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission.

Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within.

Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Guidance.

The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of their registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society

to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing.

The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.

The Licensing Authority may refuse an application for registration if in their opinion:

- the applicant is not a non-commercial society*
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or*
- information provided in or with the application for registration is false or misleading.*

The Licensing Authority will ask applicants to complete an application form setting out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society.

Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available its procedures on how it handles representations.

The Licensing Authority may revoke the registered status of a Society if it thinks that they

	<p>would have had to, or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration in the same manner it would be minded to refuse registration.</p> <p>Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an operator's licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.</p>	
Page 51 (60 of revised Policy)	<p>Annex 1, Delete: "Map of London Borough of Tower Hamlets showing where Gambling Premises Licences have been issued"</p> <p>Annex 1 to start with "List of consultees"</p>	Maps to be taken out of policy to enable them to be update via local area profile section on Council's website.
Page 52 (61-63 of revised Policy)	Delete List of Consultees (now Annex 1) and add new list once Consultation completed.	Update in light of consultation.
Page 55 (64-74 of the revised Policy)	<p>Annex 3 (now Annex 2). Replace with new table of responses.</p>	Update in light of consultation.
Page 69 (79 on revised Policy)	<p>Annex 6 (now 5), Add the following after last para:</p> <p><i>We also provide maps in addition to those found in our Area Profiles, which detail community safety incidents and vulnerability data. These will be added to the website link below annually; however, they can also be obtained by emailing Licensing@towerhamlets.gov.uk. https://www.towerhamlets.gov.uk/lqnl/business/licences/gambling_act_2005.aspx</i></p>	Add more information to assist applicants in carrying out their local area risk

		assessments.
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Appendix Three

Responses to the Gambling Policy Consultation 2021

Body or Organisation	Summary of issues	Response (where relevant)
Licensing, City of London Corporation	No Comment.	No response required
	<ul style="list-style-type: none"> • To align language with local and national VAWG Strategy, so changing terminology to domestic abuse rather than domestic violence, so that this incorporates all forms of abuse including economic and coercive control. Can link to the Domestic Abuse Act 2021 statutory definition. • Accountability and responsibility - Gambling addiction will be treated, like any other addiction, as an illness. However, it is important there is emphasis that this is not used by perpetrators as an excuse or cause for abuse. This is in the same way as we do not accept alcohol/substance misuse as an excuse or cause of abusive behaviour. A statement or adapting the language to that effect by the council is important. • Following on from above point, perhaps an impact assessment to learn from the intersections of disadvantage. For example, where gambling/financial abuse further undercuts those experiencing abuse. Consideration around the expectations of who within the relationship is expected to “manage” this issue, it should be the perpetrator not the victim. • Support and signposting - There needs to be clear referral pathways for people struggling with gambling behaviours, as it is essential to provide support for an illness. However, this is also so 	<p>Policy Amended - Para 9.27 changed from Domestic Violence to Domestic Abuse.</p> <p>Policy not Amended - The policy is in relation to how the Council regulates gambling licensing under the Gambling Act 2005, we cannot go beyond what the act or Gambling Commission Guidance Permits. Furthermore, the act has a clause that states that Licensing Authorities should aim to permit gambling.</p> <p>Policy not Amended - All operators must have local area risk assessments place controls to protect vulnerable people and promote the licensing objectives at the premises. Furthermore, in completing this they are expected to have regard to our local area profiles, which have been added to in this policy, see annex 6.</p> <p>Policy not Amended - This is covered, page 21 para 10.31.</p>

	<p>that perpetrators do not hide behind the excuse that there is no help available. It is another means of taking accountability and allows us to give clear advice to victim/survivors.</p> <ul style="list-style-type: none"> • A link to the VAWG Service Directory could be added which includes support numbers, pathways for professionals, victims, abusers, including training opportunities. www.towerhamlets.gov.uk/VAWG ServiceDirectory <p>The following has been added below para 9.31:</p> <p><i>We would also encourage operators to consider any relevant policies produced by the Council's Violence Against Women and Girls (VAWG) Service. In particular, any training offered by this service in respect of this issue. For more information, please see the link to this service's web page below:</i></p> <p>https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx</p> <ul style="list-style-type: none"> • If you wanted something more specific to just abusers, this link includes GamCare and Respect Support services for perpetrators of abuse/abusers (towerhamlets.gov.uk) • “No Casino Policy” - Similar to an ideal of TH being a zero SEV borough, consideration around a “no casino” policy across the borough. • Gamcare references – Gamcare no longer offer stickers, but posters are available to order. Recommend changing ‘stickers’ to ‘posters’. Suggest rephrasing as “All ATM or other cash terminals to be 	<p>Policy Amended to add para under para 10.31.</p> <p>Policy not Amended - covered in para 10.31</p> <p>Policy not Amended - no casino policy already in place - see page 29.</p> <p>Policy Amended.</p>
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	<p><i>separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display posters with GamCare (or replacement organisation) Helpline information prominently displayed;</i> (16.5, bullet point 4)</p> <ul style="list-style-type: none"> • Recommend altering the wording to reflect that GamCare can support applicants through their training for gambling industry staff. Suggest rephrasing as <i>“Applicants may wish to seek support with their applications from the Crime Reduction Officer and to seek GamCare training for their staff with a view to obtaining a certificate of training attendance.”</i> (Annex 4: Gambling Best Practice Guide, second last bullet point) 	<p>Policy Amended.</p>
	<p>Public health is fully supportive of the draft policy for the following reasons:</p> <ul style="list-style-type: none"> • This policy addresses an issue of local public health importance and inequalities in Tower Hamlets. • This policy is in line with the strategic priorities for us as a council (Tower Hamlets Local Plan), our partners (Tower Hamlets Together - Health and Wellbeing Strategy) and based on evidence of poor health and social outcomes within our Joint Strategic Needs Assessment. • This policy draws on national and international evidence and best practice. • Public Health specifically supports Section 9.11 – 9.27, outlining how children and vulnerable persons will be protected from gambling related harm within the limitations of this policy. • Public Health specifically supports Section 12.10 which suggests including training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning 	<p>No Response needed.</p>

	<p>of premises affects this in their risk assessments. As well as section provision of signage and documents games rules, gambling care providers and other relevant information in both English and the other prominent first language for that locality. Section 12.10 also highlights the importance of advertisement not to target those underage i.e. in window displays.</p> <ul style="list-style-type: none"> Public health supports Section 12.1 – 12.11 of this policy outlining the considerations the Authority will go through in determining gambling premises licenses. <p>Public Health Recommendations:</p> <ul style="list-style-type: none"> Do not permit any additional betting shops to open in areas of clustering as outlined on Figure 2 in the areas of St. Peter's, Whitechapel North/Spitalfields and Banglatown South and in Bow. <p>The available evidence shows that a multi-pronged approach is needed to successfully tackle gambling harm. The provisions in this policy therefore must be accompanied by additional action. We recommend that LBTH Licensing and Safety invest in work with local operators to encourage them to follow best practice. Examples would include:</p> <ul style="list-style-type: none"> Protection of staff and lone working are addressed within the operators' risk assessment. All operators are encouraged and 	<p>Note that unlike the Licensing Act 2003 Authorities cannot seek to reduce premises in certain areas.</p> <p>Policy Amended in line with the results of the online survey: Paras added to "Location and Local Risk Assessments" this is to encourage applicants to speak to Public Health prior to their application so that they can use Public Health's data to produce a suitable Local Areas Risk Assessment to ensure promotion of the gambling objective; Protecting children and other vulnerable people from being harmed or exploited by gambling.</p> <p>Policy no Amended. These examples are already included see para 16.5, page 40.</p>
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	<p>supported with materials where applicable to provide suggestions outlined in section 16.5 as normal practice, such as:</p> <ul style="list-style-type: none"> - Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets - Self-exclusion forms available - The odds clearly displayed on all fixed odds machines - All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation) - Helpline information prominently displayed - There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated - Posters with details of GamCare's (or replacement organisation) telephone number and website. <ul style="list-style-type: none"> • Operators should provide healthy lifestyle information in their premises linked to gambling e.g. leaflets regarding alcohol consumption and providing clear direction to local support for mental health problems, addictions, and debt advice. These leaflets should signpost to, and use wording from, independent support organisations rather than industry-funded organisations. • Operators should reduce advertising (i.e. window displays) especially to children at least in line with the Senet Group's set of Commitments as best practice. This should be demonstrated in their risk assessments. 	<p>Policy not Amended – The Gambling Act 2005 does not permit Authorities to add items that do not relate to Gambling or the Gambling Objectives. Public Health can object to a Licence to ask applicants to voluntarily add such things as a condition.</p> <p>Policy not Amended – already included in the Policy, top of page 25.</p>
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	<ul style="list-style-type: none"> Finally, since gambling is increasingly recognised as involving public health concerns, the Authority should continue to work with Public Health to foster close working relationships over the life course of this policy to ensure that the health of Tower Hamlets residents is promoted within the context of licensed gambling establishments. 	<p>Public Health receive weekly lists of Licensing Applications, we would expect that they would contact us and review the application where they had concerns. Where there is concern that the gambling objectives are not being promoted, objections can be made.</p>
<p>Power Leisure Bookmakers Limited (Paddy Power)</p>	<p>Part A - 9.21 Objective 3 – protecting children and vulnerable persons from harm</p> <p>Whilst we acknowledge that protecting children from harm is fundamental, references to child sexual exploitation has no direct relevance to this objective and no evidence has been provided to support the inclusion of this content with the policy statement.</p> <p>The Authority should recognise that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objective under the Gambling Act 2005. As children are not permitted into betting premises, there would already be the appropriate policies and procedures in place (for example, age verification/restricted access) to mitigate the risks of them being harmed or exploited by gambling – see LCCP code provision 3.2.7 and 3.2.8.</p> <p>The policy itself, also undermines the inclusion of this commentary as it earlier states <i>‘In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or</i></p>	<p>Policy not Amended – Some Gambling Premises are permitted to allow children in, e.g. Pubs with Gaming Machines. The policy does not seek to place Child Sexual Exploitation (CSE) measures as conditions on their Licences etc. The Policy simply expects and encourages Gambling Premises to be aware of the signs of CSE. This is to assist in preventing CSE from occurring in all parts of the Borough.</p>

	<p><i>exploited by gambling</i>’.</p> <p>It should be noted that the Gambling Commission guidance states: a licensing authority may identify the safeguarding as a key priority...in which case its statement would set out those policies preures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling’. We suggest that the policy is amended to reflect this.</p> <p>Paddy Power is a responsible operator and implements measures to address local risks that to activities that would take place within their premises.</p> <p>Part B - 2. Duplication with other regulatory regimes and licensing objectives - planning</p> <p><i>‘Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the premises in place at the time of the Gambling application.</i></p> <p><i>As stated above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.’</i></p> <p>Whilst we acknowledge that appropriate planning permission must ultimately be obtained for any proposed premises, section 210 of the Gambling Act 2005 prescribes that the Licensing Authority shall not have regard to whether or not planning or building approval will be obtained.</p>	<p>Policy not Amended – this does not seek to suggest that any application would be refused/rejected if appropriate planning permission had been obtained. It is to advice applicants to ensure that they speak to Planning so that they can be sure that any measure place in their application or supporting documents does not inadvertently breach any planning legislation. Furthermore that they speak to Planning particularly in respect of New Betting Shops to avoid the cost of a Gambling Act application if they are likely to achieve the correct planning permissions to enable them to carry out Gambling Activities.</p>
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	<p>In consideration of the correct legal requirements under the licensing regime, as identified at paragraph 2.2, we suggest that any reference to obtaining planning permission prior to submission of a licence application or at the time a licence application is made be removed in its entirety or at least amended to reflect the correct legal position that the authority might expect applicants to 'obtain' appropriate planning or other relevant permissions.</p> <p>Paragraph 2.3 of the policy invites applicants to consider Policy D.TC5 of the Local Plan 2031 before making an application for a Gambling Premises Licence. We acknowledge that information regarding local profile is an important tool to assist operators identifying potential risks to the Licensing Objectives under the Act. Evidenced led assessment enables the implementation of appropriate policies and procedures to mitigate any risks identified. However, any reference to a presumption of refusal or resistance to an application under the Gambling Act 2005 would be in direct contravention of the legal test provided by section 153. Whilst some of the considerations identified in Policy D.TC5 may be appropriate under the planning regime, their inclusion within or reference to the Council's Statement of Principles not only seek to undermine the principles of the Act itself, but also potentially jeopardise any determination made by the Authority. As an example, any decision under the Act which gave weight to inappropriate policy considerations such as a general reference to an over concentration of similar venues would expose such a decision to immediate challenge. We therefore recommend that the draft policy be amended to correctly identify the principles that would be applied under the Gambling Act 2005 and not considerations relevant to other regimes or Council</p>	
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	policy.	
Resident 1	There are too many facilities where gambling is too easy and accessible. I would suggest tighter limits on opening hours for arcades or similar	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.
Resident 2	These polices do not go far enough in protecting society in the first instance (reducing hours, controlling proximity / advertisement of location) OR in holding gambling centres accountable for behaviours (delivering support, advertising helplines, declining service)	As above in reference to hours for adult gaming centres. In reference to controls on proximity this would need to be done via objection where the applicant fails to demonstrate in their application that the application will promote the gambling objectives. Advertisements and helplines etc. already covered in the policy.
Resident 3	existing gambling in the borough should all be shut down on public health grounds	Public Health is not a gambling objective thus licences cannot be refused or revoked on this basis.
Resident 4	I am opposed to this draft. It is too extensive. I think there should only be minimal regulations pertaining to gambling, or to any legitimate business activity.	This is aimed at the legislation, which is not being considered here, and is out of scope in regard to this policy.
Resident 5	Please oppose all gambling as strenuously as possible	The Act means Licensing Authorities must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives.
Resident 6	The policy embodies improvements to the existing policy. However, personally I think the restrictions on gambling do not go far enough... Betting companies have huge economic power, and for too long they have enjoyed 'light touch' regulation. Their super-profits - derived from 'rigged' gaming through the use of clever algorithms to fleece punters - are evidence of this apparent freedom to 'print money', making their owners fortunes. I would like to see much tougher regulation in our Borough (TH).	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 7	Healthcare professionals should be specifically consulted (mental health workers especially working in addiction and local GPs) as they see directly the harms gambling establishments inflict on vulnerable people. I also think that the licensing hours should be restricted eg 5pm-10pm	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act. Public Health in the Council are consulted, though they are not a responsible authority under the act.
Resident 8	I support the proposed changes	No comment needed.
Resident 9	Does not go far enough to discourage	The Act means Licensing Authorities

	gambling, which is dangerous for everyone (not just children and vulnerable people).	must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives. We cannot discourage gambling premises under the Act.
Resident 10	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 11	Again, I've not seen your draft statement.	No comment needed.
Resident 12	As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the loss of money and those people can do anything in a moment of despair. There should be a personal limit for each customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I still remember the customer who killed a betting shop employee. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who want to exploit those people will be opening shops. This is not Tower Hamlets that we want.	This relates to the legislation on Gambling and is out of scope of what this policy can consider. However, if the application or a licence premises is failing to promote the gambling objectives then a review can be applied for or in the case of a new application an objection made.
Resident 13	Gambling is an under-estimated public harm, exploiting people who cannot afford or manage a "flutter". The borough has a public health duty to reduce harm to residents' financial and emotional wellbeing, and strict controls on gambling outlets is its most effective tool.	The Act means Licensing Authorities must aim to permit. Reduction of gambling harms is already covered, and Gambling Operators must demonstrate this under their Operators Licence and Premises licence.
Resident 14	Gambling has no value to society and leads to further deprivation and ASB.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.



Take the survey

SURVEY RESPONSE REPORT

07 March 2022 - 29 May 2022

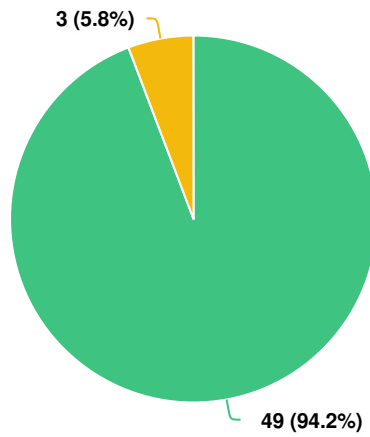
PROJECT NAME:

Gambling Policy Review Consultation 2022



SURVEY QUESTIONS

Q1 Are you a resident, business or from an organisation?

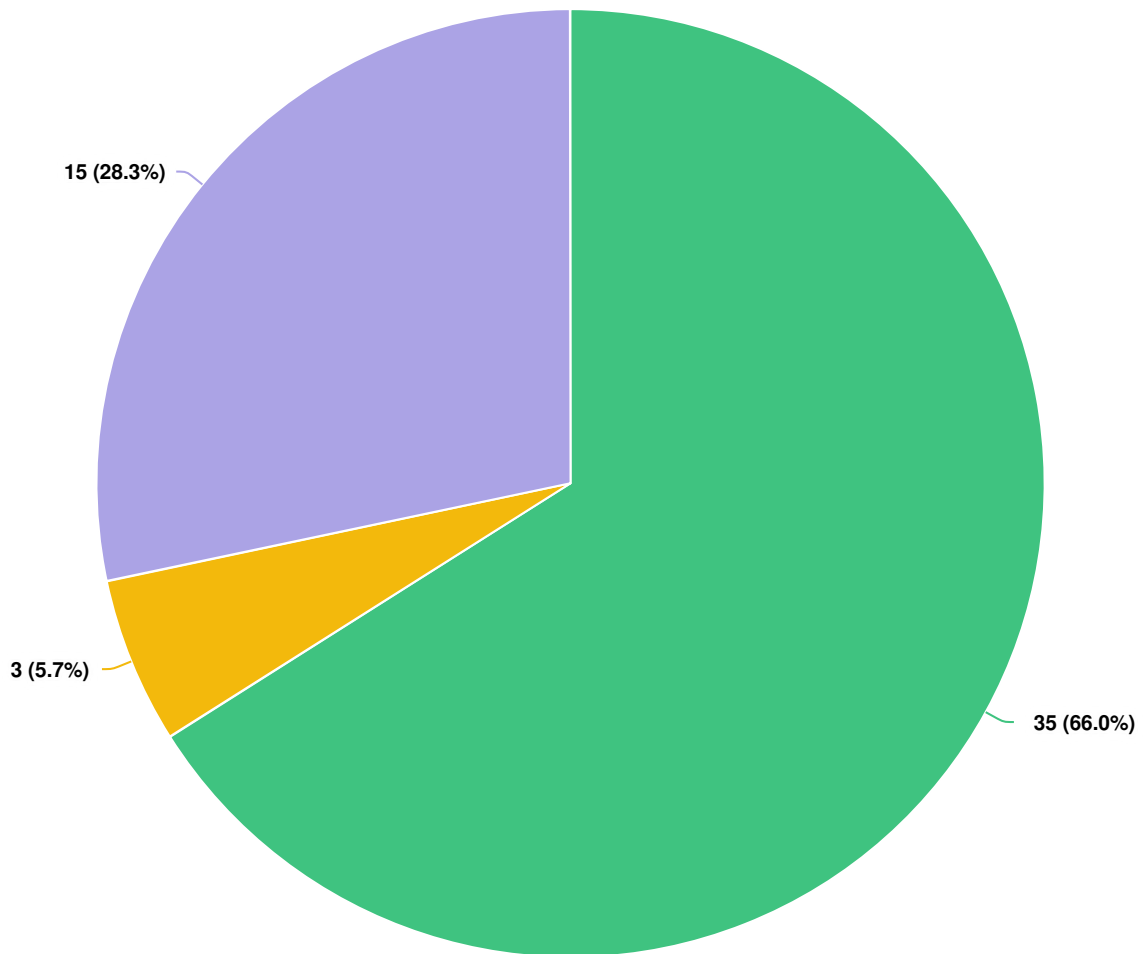


Question options

- Resident
- Business

Optional question (52 response(s), 1 skipped)
Question type: Radio Button Question

Q2 Do you think that Gambling Premises in the borough have increased ASB, which can be linked to them?



Question options

- Yes
- No
- Don't know

Optional question (53 response(s), 0 skipped)
Question type: Radio Button Question

Q3 | If you have concerns over certain premises or areas in the borough, please list these here

<p>Screen Name Redacted 3/08/2022 09:10 AM</p>	<p>Casino Slots - Whitechapel Rd</p>
<p>Screen Name Redacted 3/16/2022 06:05 PM</p>	<p>Don't know</p>
<p>Screen Name Redacted 4/05/2022 08:43 AM</p>	<p>gambling den on mare street opposite Iceland</p>
<p>Screen Name Redacted 4/06/2022 03:42 PM</p>	<p>Eastern end of Poplar High St</p>
<p>Screen Name Redacted 4/12/2022 03:21 PM</p>	<p>Look at any local high street in Tower Hamlets, they have several gambling premises that is in easy access to vulnerable people who are addicted to gambling.</p>
<p>Screen Name Redacted 4/21/2022 07:37 PM</p>	<p>If you look at Chrisp Street Market the betting shops have very long opening hours and are always full. They deliberately put a betting shop right next to the Post Office where people are collecting their benefits. It's predatory and it's happening all over the country.</p>
<p>Screen Name Redacted 4/21/2022 08:13 PM</p>	<p>No concerns</p>
<p>Screen Name Redacted 4/21/2022 08:13 PM</p>	<p>Tower hamlets</p>
<p>Screen Name Redacted 4/21/2022 09:21 PM</p>	<p>Too many gambling shops on Bethnal Green road</p>
<p>Screen Name Redacted 4/21/2022 10:11 PM</p>	<p>Whitechapel</p>
<p>Screen Name Redacted 4/22/2022 01:50 AM</p>	<p>Gambling premises</p>

Screen Name Redacted Yes Bethnal Green high street

4/22/2022 07:41 AM

Screen Name Redacted 6 Martha St, London E1 2ER is at Shadwell DLR and bus stop. where
a large number of children and commuters congregate / pass.

4/25/2022 06:21 PM

Screen Name Redacted NONE

5/07/2022 03:54 PM

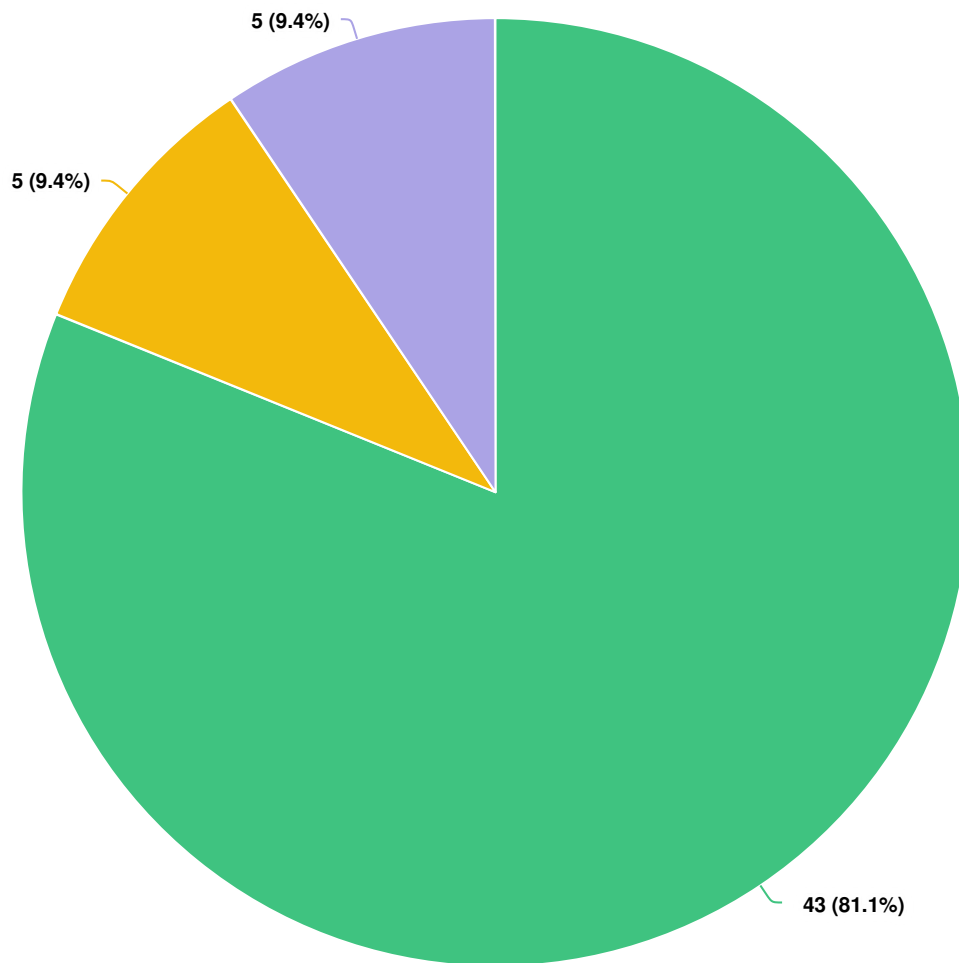
Screen Name Redacted There is a new one opened in Roman Rd where the Credit Union
office used to be just near Iceland

5/28/2022 08:20 PM

Optional question (15 response(s), 38 skipped)

Question type: Essay Question

Q4 Do you think Adult Gaming Centres (these are not Betting Shops, but premises that have gaming machines that give cash prizes) should have set restricted hours they can open?



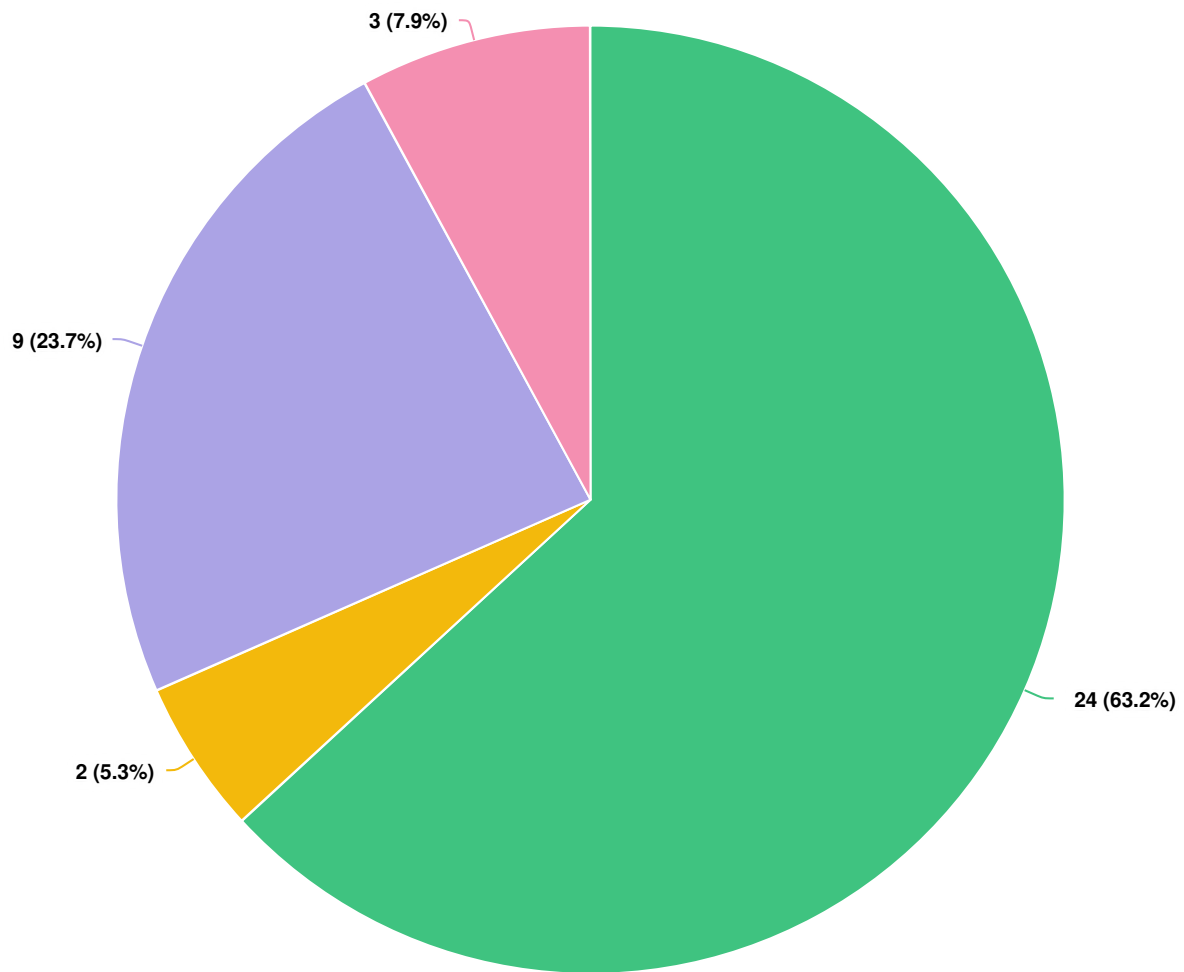
Question options

- Yes
- No
- Don't know

Optional question (53 response(s), 0 skipped)

Question type: Radio Button Question

Q5 If you answered yes to the previous question, what hours do you feel are appropriate for gambling to be permitted in these premises?

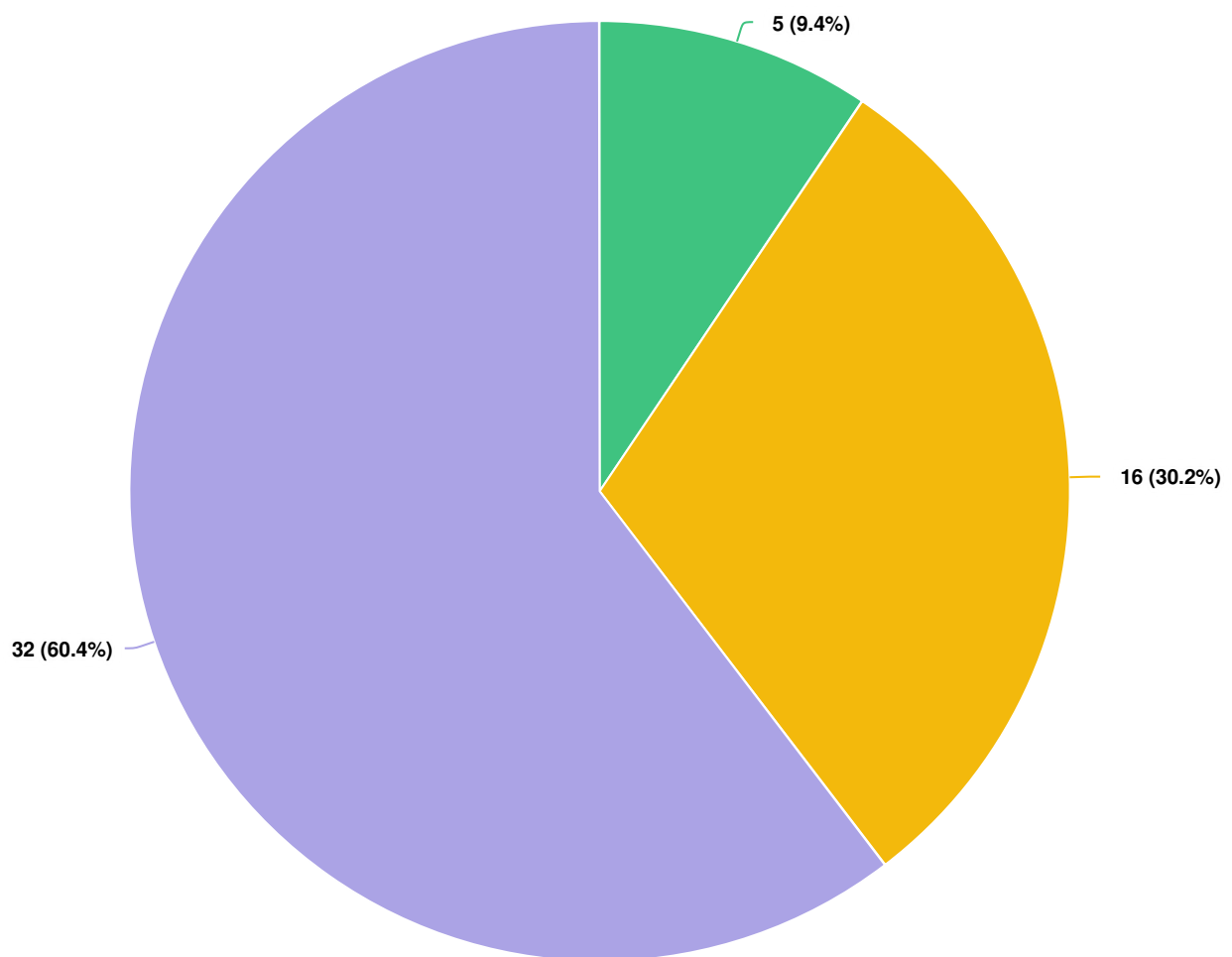


Question options

- 7am to 10pm every day
- 8am to 11pm every day
- 9am to midnight every day
- 6am to 11.30pm Monday to Thursday; 6am to midnight Friday and Saturday; 6am to 10.30pm Sunday

Optional question (38 response(s), 15 skipped)
Question type: Radio Button Question

Q6 Are there are certain areas in the borough that permitting a gambling premises would be in conflict with the objective to protect children and other vulnerable people from being harmed or exploited by gambling?



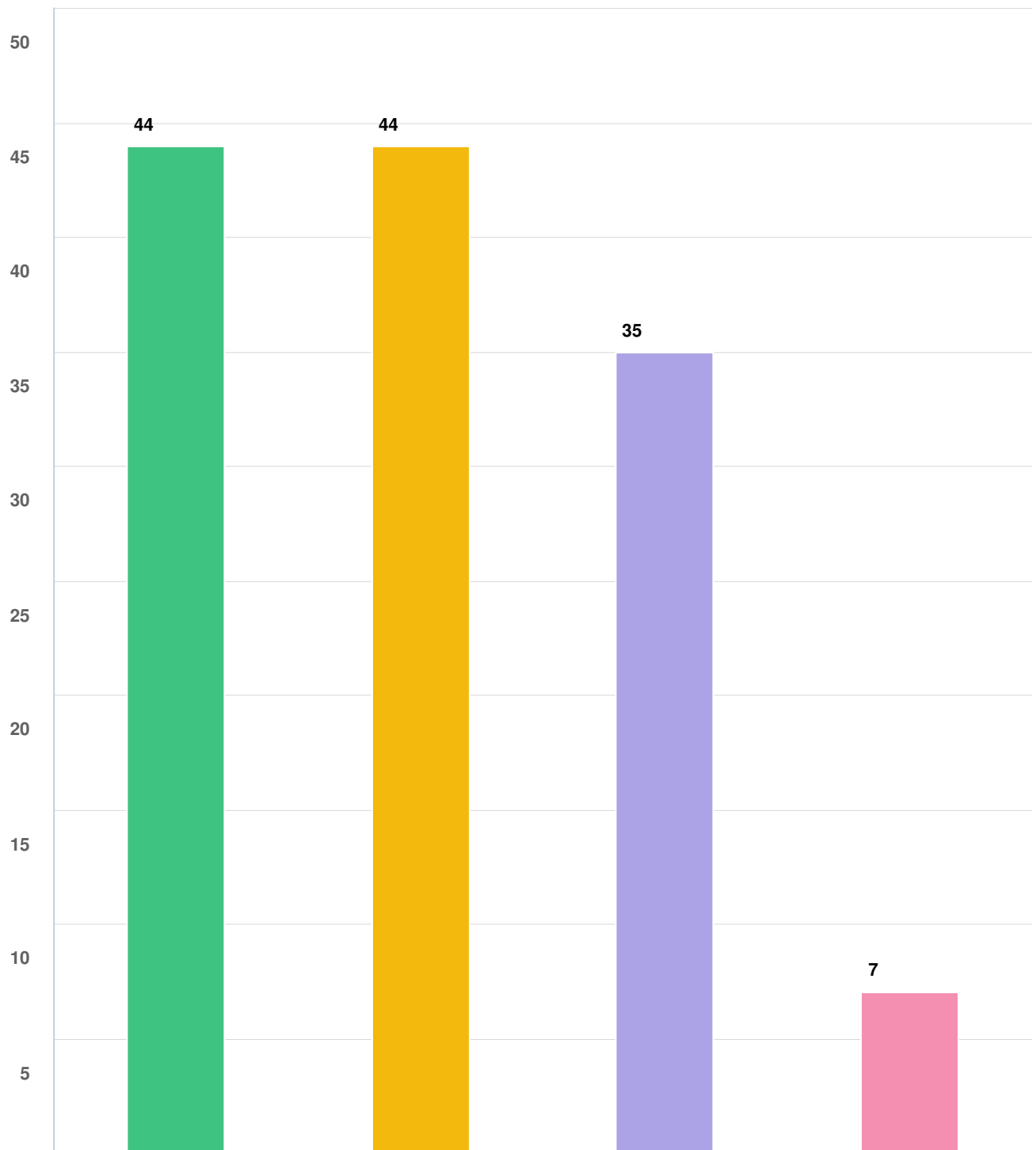
Question options

- No
- Don't know
- Yes, please state where and the reasons why

Optional question (53 response(s), 0 skipped)

Question type: Radio Button Question

Q7 Do you have any concerns about people under the age of 18 being permitted to gambling in the following places (tick all that apply).



Question options

- Betting shops
- Adult gaming centres
- Pubs
- Other premises (please specify)

Optional question (48 response(s), 5 skipped)

Question type: Checkbox Question

Q8 It is proposed that Public Health and the Responsible Authority will object to applications in areas with high deprivation. The applicant will need to demonstrate that their application will not add to the issue. Public Health are proposing to provide maps to show the areas of high deprivation to assist applicants. Please provide your comments about this below.

Screen Name Redacted
3/08/2022 09:10 AM

Strongly agree that new applications should not be granted for areas with high deprivation.

Screen Name Redacted
3/15/2022 04:56 PM

This is helpful

Screen Name Redacted
3/16/2022 06:05 PM

Agree

Screen Name Redacted
4/04/2022 12:39 PM

They shouldn't be allowed near schools and places of worship, youth venues, markets etc. Children and young people shouldn't be exposed to gambling.

Screen Name Redacted
4/04/2022 01:11 PM

I feel a map would stigmatise the issue and will make those most at risk of gambling addiction more likely to continue to travel to those sites. There should be wider governance of such sites nationwide to restrict hours and provide more support to those at risk.

Screen Name Redacted
4/04/2022 01:50 PM

This is a good idea. Especially in Whitechapel as discussed previously. It is encouraging homelessness and it preys on vulnerable people with limited means.

Screen Name Redacted
4/05/2022 08:43 AM

Existing gambling shops in high deprivation areas should be closed

Screen Name Redacted
4/06/2022 03:42 PM

Retail space is already limited in much of the Tower Hamlets borough. Gambling and betting stores with large corporations and profits behind them are well placed to price out alternative use cases. Given the negative social value these kind of businesses impose on a neighbourhood, planning permission should be as hard as possible.

Screen Name Redacted
4/12/2022 03:21 PM

Public health the responsible authority need to be more proactive about protecting vulnerable people from being exploited by gambling premises in highly deprived area by taxing gambling premises to pay

for support services for children, vulnerable people and those who are exploited by gambling.

Screen Name Redacted

4/21/2022 07:37 PM

Yes please! If we could also please ensure that you're only allowed to have so many betting shops in one area that would also greatly help

Screen Name Redacted

4/21/2022 07:40 PM

Agree. Gambling and Gaming shops historically have popped up in deprived areas, adding to social issues and antisocial behaviour and people gathering outside them. This should be illegal and I consider it immoral.

Screen Name Redacted

4/21/2022 07:57 PM

I fully support this measure

Screen Name Redacted

4/21/2022 08:13 PM

I think it is a bad idea for public health to get involved in such decision making. It is not their job to decide who can engage in an activity or not. Nor should they treat areas of high deprivation differently (or even assigning a deprived status to an area in order to then treat it other than other areas)

Screen Name Redacted

4/21/2022 08:07 PM

All gambling exploits young people - my own 25 year old is not deprived but is still having to make up over a year for losses made from gambling over the new year

Screen Name Redacted

4/21/2022 08:13 PM

Disgraceful about objections

Screen Name Redacted

4/21/2022 08:23 PM

The more information available the better. However, it's is clear to me that these businesses prey on the deprived and vulnerable and should not be permitted to operate at all.

Screen Name Redacted

4/21/2022 08:54 PM

Agree with this

Screen Name Redacted

4/21/2022 09:14 PM

I support this proposal. Empirical evidence suggests that people living in deprived areas are susceptible and vulnerable to 'problem' gambling, adding to their social/emotional/financial difficulties.

Screen Name Redacted

4/21/2022 09:16 PM

I wholeheartedly agree and think that for this reason applications should be rejected for the borough of Tower Hamlets

Screen Name Redacted 4/21/2022 10:02 PM	I support the proposal
Screen Name Redacted 4/21/2022 09:27 PM	Good plan.
Screen Name Redacted 4/21/2022 09:47 PM	Applicants cannot possibly demonstrate that if their application is successful it will not add to deprivation, though they will claim that.
Screen Name Redacted 4/21/2022 09:55 PM	This sounds like a good idea, but should apply to the whole of Tower Hamlets, not just areas with high deprivation.
Screen Name Redacted 4/21/2022 10:10 PM	I agree as there are already too many gambling areas of Tower Hamlets where there is high levels of poverty and vulnerable adults.
Screen Name Redacted 4/21/2022 10:17 PM	Agree. In fact we shouldn't have any at all.
Screen Name Redacted 4/21/2022 11:43 PM	I think there are more pressing issues, alcoholism and drug usage in high deprivation areas is more pressing than Gambling.
Screen Name Redacted 4/22/2022 04:15 AM	Definitely best to keep these services out of poverty high areas. Tower Hamlets is steeped in inequality with huge pockets of poverty and benefits the most from NOT having these services.
Screen Name Redacted 4/22/2022 07:34 AM	Vulnerable people take all shapes and forms, it is not just an economic factor.
Screen Name Redacted 4/22/2022 07:41 AM	I wish this were the case another has just been permitted in the last week in tower hamlets on a street with 5 others already in place. It's obscene
Screen Name Redacted 4/22/2022 08:21 AM	If you have to have a statement like this then you know full well they are of no benefit to our community at all. They increase misery and hardship. If they are allowed to be there vulnerable people will use them.

Screen Name Redacted

4/22/2022 09:05 AM

It's not appropriate at all to promote or provide gambling in areas of high deprivation

Screen Name Redacted

4/22/2022 09:10 AM

There is no need for there to be multiple gambling/betting shops in a small area. For people who have a gambling problem I imagine it would be very difficult to kick the habit with this enticement always 'in their face' whenever they walk down the road, and encourages others to develop dysfunctional habits. I have watched bethnal green road over the space of 20 years become a long strip of gambling shops. I think this is very concerning in an area such as E2 with so many estates and people in need. In terms of urban planning it also robs the high street of other types of shops that would serve the community better.

Screen Name Redacted

4/22/2022 10:24 AM

Rather than further stigmatising already marginalised populations, licensing of premises for gambling should be conditioned on a demonstration of adequate community provision of all other potential services for which the premises could otherwise be licensed. Gambling should only be licensed after all other community needs have been met. Due to the inherent nature of the business model, gambling businesses are often able to outbid other potential tenants for streetfront retail space which would offer more valuable community services. Regulatory policy should seek to rebalance the playing field.

Screen Name Redacted

4/22/2022 12:14 PM

It would be good to see them actively demonstrate how they will reduce the issue of high deprivation.

Screen Name Redacted

4/22/2022 03:02 PM

Most of tower hamlets has high depravation, it shouldn't be allowed for most of the Borough.

Screen Name Redacted

4/23/2022 11:14 AM

we are already having issues about ASB during weekends and any holidays (Bank holiday etc). As residence we are aware of rubbish (empty bottles, used drug balloons etc) and broken bottles - broken bus stop glasses - or other windows every time there is a holiday or weekend break. Most of the time it is too much to clean in one day that those rubbish are there for days. Again as residence we are covering all the damages via our council tax. Those people are coming to our neighbourhood from elsewhere and yet residences are the one who foot the bill of their damages. It is almost impossible to go to sleep early during weekends and holidays, until 1 or 2 AM in the morning. So yes, I do not want betting or gambling places around my home. They do attract all the wrong people. I do feel sorry for

them but also please remember that a healthy person will not spend time and money on these. I do not feel safe around betting and gambling places.

Screen Name Redacted

4/25/2022 11:51 AM

Would this not cover the majority of the borough?

Screen Name Redacted

4/25/2022 12:17 PM

In LBTH deprived postcodes/wards are immediately next to wealthier ones. Walking across a notional boundary will make no difference to anyone with a gambling problem. The whole borough should be controlled in this way.

Screen Name Redacted

4/25/2022 06:21 PM

I wholly support this approach. However, it should mean other areas (with less deprivation) see a rise in establishments.

Screen Name Redacted

4/28/2022 08:40 AM

Agreed

Screen Name Redacted

5/07/2022 03:54 PM

How do you define High Deprivation ? Just lining in an area shouldn't stop you deciding what you do with your money . This is restrictive legislation to protect a minority at the expense of the majority who don't have an issue with their gambling

Screen Name Redacted

5/25/2022 09:20 PM

Sounds sensible.

Screen Name Redacted

5/27/2022 07:31 AM

This amounts to a ban on new applications being approved as all of our borough has high deprivation indicators. That will protect existing outlets and create a worse situation where competition is removed and residents are treated worse.

Screen Name Redacted

5/27/2022 08:05 AM

There should be a one out one in policy. Looking to reduce the number of licences in the long term

Screen Name Redacted

5/28/2022 08:20 PM

Good idea

Optional question (45 response(s), 8 skipped)

Question type: Essay Question

Q9 Please use this space below to provide any comments on our Table of Changes.

Screen Name Redacted

n/a

3/08/2022 09:10 AM

Screen Name Redacted

What is this?

3/16/2022 06:05 PM

Screen Name Redacted

The hours of operation are consistently too long - suggest these cease at 9pm or earlier. There is zero reason for a betting shop to be open at 6am.

4/04/2022 01:11 PM

Screen Name Redacted

they do not go far enough existing gambling licences in high deprivation areas should be cancelled or not renewed

4/05/2022 08:43 AM

Screen Name Redacted

All gambling should be banned - it is unfair exploitation

4/21/2022 08:07 PM

Screen Name Redacted

Not to open a more new gambling places in Tower hamlets area

4/21/2022 08:13 PM

Screen Name Redacted

Please oppose gambling as strenuously as possible

4/21/2022 08:23 PM

Screen Name Redacted

The changes make good sense, and are clearly stated.

4/21/2022 09:14 PM

Screen Name Redacted

Advertising of gambling establishments should not be allowed on local billboards.

4/21/2022 09:47 PM

Screen Name Redacted

The additional emphasis on protection of children and vulnerable people sounds like a good idea.

4/21/2022 09:55 PM

Screen Name Redacted

Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.

4/21/2022 10:17 PM

Screen Name Redacted

I don't know what that is?

4/22/2022 09:05 AM

Screen Name Redacted

4/22/2022 12:14 PM

I've not seen your table of changes

Screen Name Redacted

4/23/2022 11:14 AM

As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.

Screen Name Redacted

5/28/2022 08:20 PM

The Council used to have a byelaw that gaming machines were not allowed in premises near schools- what has happened to this? The new place in Roman Rd near Iceland is near Old Ford School and Mulberry 6th form.

Optional question (15 response(s), 38 skipped)

Question type: Essay Question

Q10 | Please use this space below to provide any comments on our Draft Statement of Gambling Policy 2022-2025.

Screen Name Redacted

3/08/2022 09:10 AM

n/a

Screen Name Redacted

3/16/2022 06:05 PM

There are too many facilities where gambling is too easy and accessible. I would suggest tighter limits on opening hours for arcades or similar

Screen Name Redacted

4/04/2022 01:11 PM

These polices do not go far enough in protecting society in the first instance (reducing hours, controlling proximity / advertisement of location) OR in holding gambling centres accountable for behaviours (delivering support, advertising helplines, declining service)

Screen Name Redacted

4/05/2022 08:43 AM

existing gambling in the borough should all be shut down on public health grounds

Screen Name Redacted 4/21/2022 08:13 PM	I am opposed to this draft. It is too extensive. I think there should only be minimal regulations pertaining to gambling, or to any legitimate business activity.
Screen Name Redacted 4/21/2022 08:13 PM	Na
Screen Name Redacted 4/21/2022 08:23 PM	Please oppose all gambling as strenuously as possible
Screen Name Redacted 4/21/2022 09:14 PM	The policy embodies improvements to the existing policy. However, personally I think the restrictions on gambling do not go far enough... Betting companies have huge economic power, and for too long they have enjoyed 'light touch' regulation. Their super-profits - derived from 'rigged' gaming through the use of clever algorithms to fleece punters - are evidence of this apparent freedom to 'print money', making their owners fortunes. I would like to see much tougher regulation in our Borough (TH).
Screen Name Redacted 4/21/2022 09:16 PM	Healthcare professionals should be specifically consulted (mental health workers especially working in addiction and local GPs) as they see directly the harms gambling establishments inflict on vulnerable people. I also think that the licensing hours should be restricted eg 5pm-10pm
Screen Name Redacted 4/21/2022 10:02 PM	I support the proposed changes
Screen Name Redacted 4/21/2022 09:55 PM	Does not go far enough to discourage gambling, which is dangerous for everyone (not just children and vulnerable people).
Screen Name Redacted 4/21/2022 10:17 PM	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.
Screen Name Redacted 4/22/2022 12:14 PM	Again, I've not see your draft statement.
Screen Name Redacted 4/23/2022 11:14 AM	As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each

customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.

Screen Name Redacted

4/25/2022 12:17 PM

Gambling is an under-estimated public harm, exploiting people who cannot afford or manage a "flutter". The borough has a public health duty to reduce harm to residents' financial and emotional wellbeing, and strict controls on gambling outlets is its most effective tool

Screen Name Redacted

4/28/2022 08:40 AM

Gambling has no value to society and leads to further deprivation and ASB.

Optional question (16 response(s), 37 skipped)

Question type: Essay Question

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Summary Report

07 March 2022 - 29 May 2022

Let's Talk Tower Hamlets

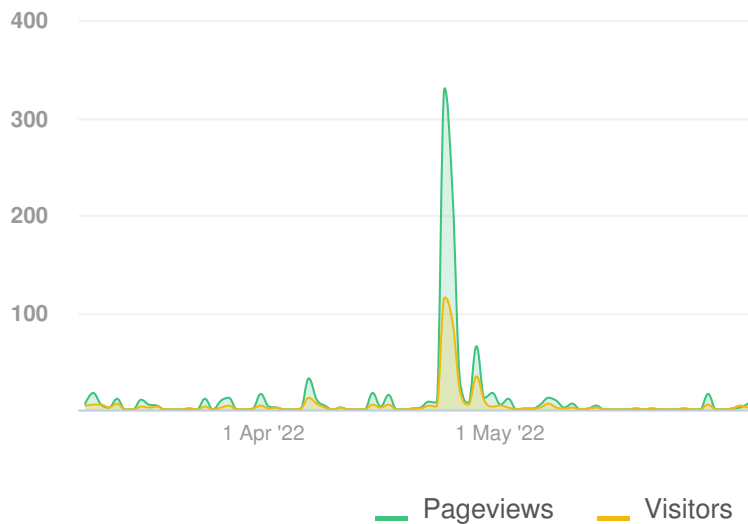
PROJECTS SELECTED: 1

Gambling Policy Review Consultation 2022

FULL LIST AT THE END OF THE REPORT



Visitors Summary



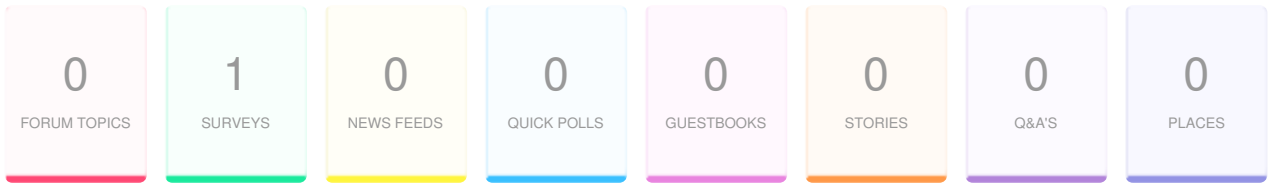
Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
451	115	
NEW REGISTRATIONS		
16		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
53	171	362

PARTICIPANT SUMMARY

ENGAGED	53 ENGAGED PARTICIPANTS			(%)
	Registered	Unverified	Anonymous	
INFORMED	Contributed on Forums	0	0	0
	Participated in Surveys	53	0	0
	Contributed to Newsfeeds	0	0	0
	Participated in Quick Polls	0	0	0
AWARE	Posted on Guestbooks	0	0	0
	Contributed to Stories	0	0	0
	Asked Questions	0	0	0
	Placed Pins on Places	0	0	0
	Contributed to Ideas	0	0	0
	<i>* A single engaged participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>
Gambling Policy Review Co... 53 (14.6%)				
ENGAGED	171 INFORMED PARTICIPANTS			(%)
			Participants	
INFORMED	Viewed a video		0	
	Viewed a photo		0	
	Downloaded a document		59	
	Visited the Key Dates page		2	
AWARE	Visited an FAQ list Page		0	
	Visited Instagram Page		0	
	Visited Multiple Project Pages		102	
	Contributed to a tool (engaged)		53	
	<i>* A single informed participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>
Gambling Policy Review Co... 171 (47.2%)				
ENGAGED	362 AWARE PARTICIPANTS			
			Participants	
INFORMED	Visited at least one Page		362	
AWARE				
	<i>* Aware user could have also performed an Informed or Engaged Action</i>			<i>* Total list of unique visitors to the project</i>
Gambling Policy Review Co... 362				

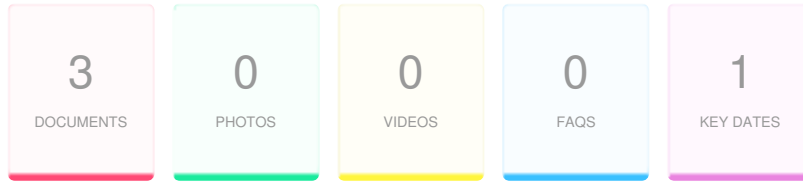
ENGAGEMENT TOOLS SUMMARY



SURVEYS SUMMARY	
1	Surveys
53	Contributors
53	Submissions

TOP 3 SURVEYS BASED ON CONTRIBUTORS
<p>53</p> <p>Contributors to</p> <p>Take the survey</p>

INFORMATION WIDGET SUMMARY



DOCUMENTS	
3	Documents
59	Visitors
96	Downloads

TOP 3 DOCUMENTS BASED ON DOWNLOADS		
48 Downloads	38 Downloads	10 Downloads
Draft Statement of Gambling Policy 2022-2025	Table of Changes to Statement of Gambling Policy	Statement of Gambling Policy 2019-2022

KEY DATES	
1	Key Dates
2	Visitors
2	Views

TOP 3 KEY DATES BASED ON VIEWS
2 Views
Gambling Policy Review Consultation 2022

TRAFFIC SOURCES OVERVIEW

REFERRER URL	Visits
Inks.gd	185
t.co	20
www.google.com	17
m.facebook.com	8
www.bing.com	7
www.towerhamlets.gov.uk	7
romanroadlondon.com	6
lm.facebook.com	4
www.google.co.uk	3
admin.govdelivery.com	1
towerhamlets.newsweaver.com	1

SELECTED PROJECTS - FULL LIST

PROJECT TITLE	AWARE	INFORMED	ENGAGED
Gambling Policy Review Consultation 2022	362	171	53



Gambling Act 2005

The London Borough of Tower Hamlets Gambling Policy **2022- 2025**

Effective

14th

December

2022

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Summary of Local Authority Gambling Policy

1. Licensing local authorities in England and Wales have all been required by the Gambling Act 2005 to adopt a gambling policy following consultation.
2. The following policy was adopted after consultation, including but not confined to the consultation required by the legislation.
3. The policy has to be reviewed every three years and consequently it is now being sent out for a new round of consultation. Again, the consultation will include but not be confined to the statutory consultation.
4. The policy sets out in detail how the licensing authority will discharge its licensing functions under the Gambling Act 2005.
5. There are three licensing objectives set out in the Act, as follows:
 - 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 people from being harmed or exploited by gambling
6. The main area of involvement for the licensing authority is protecting the vulnerable, and the licensing policy is largely devoted to seeking to achieve this, across the range of premises licences and permits which the authority will administer.
7. The licensing authority approach to enforcement is defined.
8. The scheme of delegation that defines the responsibility for decision making, administration and enforcement is also included.

PART A – Introduction, Statements, and Licensing Objectives

1. Introduction

- 1.1 This Policy sets out the principals the London Borough of Tower Hamlets (Licensing Authority) will apply in exercising our function under the Gambling Act 2005 (the 2005 Act).
- 1.2 The term ‘Licensing Authority’ will be used in all future references to ‘the London Borough of Tower Hamlets’ in this Policy.
- 1.3 This Policy replaces the previous one published on 14th December 2022 and covers the period from 14th December 2022 to 13th December 2025.
- 1.4 The Licensing Authority will formally review this Policy every three years, as required by the 2005 Act. However, during this period, we will keep it under review which will allow us to make any revisions we consider appropriate.
- 1.5 The definition of ‘Gambling’ is defined in the Act as either gaming, betting, or taking part in a lottery:
 - gaming means playing a game of chance for a prize
 - betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
 - a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Tower Hamlets Geographical Area

- 1.6 This Policy applies to the whole of the London Borough of Tower Hamlets. The borough is a single tier authority on the East side of inner London covering an area of approximately 19 kilometers squared. It extends from Victoria Park in the north down to the Isle of Dogs in the South and extends from the A12 in the east to Brick Lane and the Tower of London in the west. The Council publishes Borough and Area profiles – ward profiles on its website:
https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Borough_profile.aspx
- 1.7 The Licensing Authority has consulted widely upon its policy statement before finalising and publishing it. A list of the persons and organisations consulted is provided in **Annex 1** of the Policy adopted by the Licensing Authority. We have consulted businesses, elected representatives, community and third sector organisations and responsible authorities.

Consultation

- 1.8 The 2005 Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 1.9 The consultation took place between 7th March 2022 and 29th May 2022. The results of the consultation are summarised in **Annex 3**.
- 1.10 The policy was approved at a meeting of the Full Council on 16th November 2022 and published via our website, see link for full details:
<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&MId=13182>
- It is also available in the Town Hall and Idea Stores within the Borough.
- 1.11 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the 2005 Act.
- 1.12 We would like to encourage the highest standards within premises that hold a licence under the 2005 Act. To assist with this we have produced a 'Gambling Best Practice Guide' to assist both new applicants and existing operators.

- 1.13 The list of recommended measures listed in **Annex 4** is not exhaustive but gives an indication of some of the suitable measures and procedures that are expected in well managed premises.

2 Policy Statement

- 2.1 In producing this licensing policy the Licensing Authority has had regard to the 2005 Act and the guidance and codes of practice issued by the Gambling Commission and responses to the consultation on this policy.
- 2.2 In accordance with our legal duty under the 2005 Act when exercising our licensing functions we shall aim to permit the use of premises for gambling in so far as we consider it to be:
- a) in accordance with any relevant code of practice issued under section 24 of the 2005 Act,
 - b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the 2005 Act,
 - c) reasonably consistent with the licensing objectives, subject to a) and b) above,
 - d) in accordance with this Policy and with reference to our Local Area Profile, subject to a) to c) above.
- 2.3 This Policy is written with the view to promoting the three licensing objectives of the 2005 Act:
- i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ii. Ensuring that gambling is conducted in a fair and open way; and
 - iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 This means that where possible we will aim to moderate the impact of gambling on the Borough for example by attaching conditions to licences, rather than aiming to prevent it all together. Nonetheless, we retain the discretion not to grant a premises licence where we consider that the application is not in keeping with the matters listed in paragraph 2.2 above.

3 Equality & Inclusion in Gambling Premises

- 3.1 As per Tower Hamlets Equality Policy, we want Tower Hamlets to be a place where people have equal access to opportunities and where inequality is actively tackled. Tower Hamlets Equality Policy recognises that this can only be done by working with our partners to advance equality, promote good community relations and tackle discrimination. The Council believes that diversity of our community is one of our greatest strengths and assets. We value the strength that comes with difference and the positive contribution that diversity brings to our community. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work, and visit the borough. The Equality Policy seeks to embed equality throughout the council's plans, services and activities to ensure it is a key driver for everything we do.
- 3.2 It is unlawful for any gambling venue to discriminate against anyone based on race, sex, sexual orientation, age, or any of the protected characteristics under the Equality Act 2010. Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 (2010 Act) and relevant guidance for businesses, which can be found on the Equality & Human Rights Commission website. The 2010 Act makes discrimination against any person (including employees and customers) unlawful. The 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Any activity in breach of the 2010 Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.
- 3.3 The Council must have regard to its public sector equality duty under the 2010 Act. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
 - our expectations on licensed venues to promote equality & inclusivity.
- 3.4 There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:
- Inclusive and transparent policies (for example, admittance policies may clearly stipulate adherence to a dress code and refusal if there are concerns about a customer; however, they must not prevent admittance based on any of the protected characteristics).

- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff, which is regularly refreshed.

3.5 This Authority will use the Licensing Process to ensure both Operators and the Council are compliant in carrying out their legal obligations. This includes:

- determining licensing applications and reviews.
- making representations as a responsible authority.
- applying for reviews in appropriate circumstances.
- defending appeal decisions.

3.6 In essence this means that the Council through this licensing process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.

4 Licensing Authority Functions

4.1 This Licensing Authority functions under the 2005 Act is limited to the following:

- a) Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- b) Issue Provisional Statements ("in principle" licences where premises are not yet developed);
- c) Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- d) Issue Club Machine Permits to Commercial Clubs (Commercial Clubs are member clubs that operate on a "for profit" basis);
- e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centers (Premises where low level gambling is permitted for children);
- f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- g) Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- h) Register small society lotteries below prescribed thresholds;
- i) Issue Prize Gaming Permits;

- j) Receive and Endorse Temporary Use Notices;
- k) Receive Occasional Use Notices;
- l) Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- m) Maintain registers of the permits and licences that are issued under these functions;

This list may be added to on the advice of the Gambling Commission.

4.2 This licensing authority does not have powers to deal with any of the following as these fall within the remit of the Gambling Commission:

- a) remote gambling (Remote gambling is via the internet or interactive television),
- b) the National Lottery,
- c) operating licences,
- d) personal functional licences ,
- e) personal management licences,
- f) gambling software,
- g) football pools,
- h) gaming machine manufacturers,
- i) gaming machine suppliers,
- j) gambling advertisements on television or other media,
- k) the number of gaming machines that can be used on premises,
- l) the value of the stakes or prizes allowed on gaming machines.

5 Tower Hamlets Plan

5.1 This policy has also taken into consideration the Tower Hamlets Plan 2018 - 23, which sets out the Tower Hamlets Partnership's five year vision for the borough, articulating local aspirations, needs and priorities. It informs all other strategies and delivery plans of the partnership, including the council's Strategic Plan. This policy also takes into consideration the Tower Hamlets Plan 2018-2023 and the Annual Report (2021), which sets out key areas of focus going forward.

5.2 The commitment of Tower Hamlets Plan is Building a stronger, more inclusive and fairer borough.

5.3 From this it has created four themes that it will focus on:

- a better deal for children and young people: aspiration, education and skills
- good jobs and employment
- strong, resilient, and safe communities
- better health and wellbeing.

To view the Tower Hamlets Plan and the Annual Report (2021) please see the link below:

https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_plan/tower_hamlets_plan.aspx

- 5.4 Whilst Tower Hamlets recognises that Gambling Licensing and Planning are two separate regimes, it expects applicants to have any the necessary Planning Permissions in place at the time of their Gambling Application. See Part B Paragraph 2 for more information. In respect of this applicant should have regard for Tower Hamlets Local Plan 2031:

https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx

In particular, applicants for new betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.

6 Competent body for the protection of children from harm

- 6.1 The Licensing Authority is required to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm. When making this decision we have also had regard to Part 6 of the Gambling Commission Guidance issued under section 25 of the 2005 Act.

- 6.2 In making our decision we have decided the body must be:

- a) responsible for child protection matters for an area covering the whole of the licensing authority's area (the whole of the Tower Hamlets);
- b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 6.3 The Licensing Authority is satisfied that the Safeguarding Children's Partnership fulfils these requirements and have therefore designated Board as the competent body to advise on matters concerning the protection of children from harm or exploitation.

- 6.4 The contact details of all the responsible authorities are found on the Council's website at www.towerhamlets.gov.uk/licensing.

7 Interested parties

- 7.1 This essential means those parties who can make representations in about licence applications or apply for a review of an existing licence.
- 7.2 The 2005 Act defines Interested Parties as persons who, in the opinion of the licensing authority:
- 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,
 - c) represents persons who satisfy paragraph (a) or (b)
- 7.3 Licensing authorities are required to state in their policies the principles to be applied to determine whether a person is an interested party in relation to 6.1 above.
- 7.4 This Licensing Authority when determining whether a person is an interested party will consider each case upon its merits. In doing so we may consider relevant factors into account such as:
- a) the size of the premises, and nature of the activities taking place (as a larger premises may be considered to affect people over a broader geographical area compared with smaller premises offering similar facilities).
 - b) the distance of the premises from the usual residence or workplace of the person making the representation.
 - c) the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
 - d) the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 7.5 The Licensing Authority will not apply a rigid rule to its decision making in regards to determining what constitutes an interested party, and will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. For instance, when deciding whether a person or organisation "has business interests" we will adopt a broad interpretation to include for example partnerships, charities, faith groups, and medical practices.
- 7.6 We will follow the Gambling Commission's Guidance and regard such bodies as trade associations and trade unions, and residents' and tenants' associations as interested parties. However, these bodies must be able demonstrate that they have a member who can be classed as an interested party under the 2005 Act i.e., paragraph 6.2 (a) above.

7.7 We will consider democratically elected persons such as Councillors and MP's as Interested parties on the condition that they provide written evidence that such elected persons 'represents' someone falls under the description in paragraph 6.2 above. A letter from one of these persons, requesting the representation will be sufficient.

7.8 Individuals may wish to approach Councillors to ask them to represent their views. If Councillors take on a representative role, they will not be able to be part of the decision making process. If they are a member of the Committee, they must withdraw for any hearing relating to the application.

8 Relevant representation

8.1 Representations relating to an application will be considered as admissible where they are made by an interested party or responsible authority. The Licensing Authority will then normally only consider that representations are relevant where they relate to the licensing objectives, the Guidance, the Codes of Practice or the Statement of Gaming Policy.

8.2 The Licensing Authority may determine an application without a hearing despite having received representations from interested parties or responsible authorities where it thinks the representations are vexatious, frivolous or will certainly not influence the authority's determination of the application. Where the Licensing Authority determine that a representation is vexatious, frivolous or will not influence the authority's determination of the application, we will notify the interested person or responsible authority who making such a representation of this determination.

8.3 Anyone making representations on an application should note that their details will be made available to the applicant in the interest of fairness and to allow for negotiation. In the event of a hearing being held, representations will form part of a public document.

9 Exchange of Information

9.1 Licensing Authorities are required to set out their approach to the exchange of information with the Gambling Commission and other persons. As such this section details how this Licensing Authority's policy deals with the control and exchange of information that has been gained in carrying out its duties and responsibilities under the 2005 Act.

9.2 The Gambling Commission can require licensing authorities to provide specific information where it forms part of a register maintained under the 2005 Act or is in the possession of the Licensing Authority in connection with the provision of the 2005 Act. As part of this exchange of information this licensing authority like all others are required to submit a return to the Gambling Commission at the end of each financial year. The information we submit as part of this return

is as follows:

- permits issued,
- temporary use notices issued,
- occasional use notices issued,
- premises inspections conducted,
- reasons for and outcomes of reviews.

This data is subsequently included in the Department for Communities and Local Government Single Data List.

- 9.3 This policy covers the years 2022 to 2025 and we appreciate that the Gambling Commission within this period could change its requirements. Therefore, this licensing authority will provide any other information requested to the Gambling Commission, provided it falls within the parameters detailed in paragraph 6.1 above.
- 9.4 The principle that this licensing authority applies when exchanging information with the Gambling Commission or other persons in respect of our functions under the 2005 Act is that we will act in accordance with the provisions under this legislation and the provisions of the Data Protection Act 1998 and any other associated legislation.
- 9.5 The licensing authority will have regard to any guidance issued by the Gambling Commission and the Information Commissioner to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 9.6 The Licensing Authority may exchange information with other persons listed below for the use of exercising our functions under the 2005 Act:
- a) constable or police force
 - b) an enforcement officer
 - c) a licensing authority
 - d) HMRC
 - e) the First Tier Tribunal
 - f) the Secretary of State
 - g) Health and Safety Inspector

We do not currently have any protocols with these persons however if we do adopt an information exchange protocol with any persons it will be made available if requested.

10 Inspection, compliance, and enforcement

- 10.1 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the Premises Licences and other permissions which we authorise, e.g., Granting Gaming Machine Permits in alcohol Licensed Premises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by this licensing authority but will be notified to the Gambling Commission.
- 10.2 As per the 2005 Act and Gambling Commission Guidance this section details this licensing authority's principles that will apply in exercising our functions concerning inspection, compliance and enforcement functions, and instigating criminal proceedings.
- 10.3 This Licensing Authority's general principles of enforcement are set out in our Enforcement Policy, which follows the principals of the Enforcement Concordat. In addition, we will be guided by the Gambling Commission's Guidance for local authorities and will have regard for the Regulators Code. Therefore, we will endeavour to be:
- a) **Proportionate:** regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;
 - b) **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - c) **Consistent:** rules and standards must be joined up and implemented fairly;
 - d) **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - e) **Targeted:** regulation should be focused on the problem, and minimise side effects
 - f) **Avoid duplication** with other regulatory regimes so far as possible.
- 10.4 The licensing authority expects premises licence holders to be fully aware of, and keep to, the terms of their licence. Where Licence holders fail to adhere to the terms of their licence we will take appropriate enforcement action to ensure compliance. We will pay particular attention in this respect where there are concerns that the licensing objective relating to children is not being met in full.
- 10.5 This licensing authority also intends to monitor non-licensed gambling and is especially concerned to stop non-destination gambling by children and young adults. Non destination gambling is where the destination is not primarily a gambling premises and is mainly visited for a different purpose. This typically (but not exclusively) involves gaming machines in premises open to the public

such as public houses.

- 10.6 This Licensing Authority will continue to keep informed of developments with the work from Central Government and sister organisations on the principles of Better Regulation Executive in its consideration of the regulatory functions. Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing service and on the Council's web site. Our risk methodology will also be available upon request. (A charge may be made for hard copies).
- 10.7 We recognise that bookmakers and other operators may have a number of premises within Tower Hamlets. In order to ensure that compliance issues are recognised and dealt with at the earliest possible stage, operators are requested to give This licensing authority a single named contact., who should be a senior individual, and whom we will contact first should any compliance queries or issues arise. We will, however, reserves the right to institute proceedings, or take other action as necessary and consistent with our general policies.
- 10.8 We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response and the targeting of problem premises. Inspections will be risk based and established on:
- the Licensing objectives
 - relevant Codes of Practice
 - Guidance
 - the Policy
- 10.9 We may inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.
- Any inspections undertaken will be by the Licensing Authority and/or a relevant responsible authority. Where the applicant has not allowed reasonable access permission will normally be refused. The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.
- 10.10 We use the templates inspection forms produced by the Leicester, Rutland and Leicestershire Licensing Forum and Leicestershire Local Economic Partnership.
- 10.11 During visits/inspections the Council may request that operators / premises share:-

- Local area risk assessments

This information will help the Council to get a clearer picture of which premises may be experiencing issues, meaning that the inspection and enforcement activity is appropriately structured, and targeted. In some circumstances and where proportionate to do so the Council may also request premises share:

- test purchasing results (subject to the terms of primary authority agreements) ;
- incidents in premises, which managers are likely to be required to report to head office;
- information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area.

Such request to share such data will be in consultation with the Operators, and the Gambling Commission.

- 10.12 As per Gambling Commission Guidance and Codes of Practice, Operators are required to share their risk assessments with licensing authority when they are applying for a new premises licence or applying to vary an existing premises licence, and at the request of this licensing authority, such as when we are inspecting a premises.
- 10.13 Additionally, responsible authorities and interested parties under the 2005 Act may seek a review of a premises licence if they feel the premises are not properly upholding the licensing objectives.

11 The Licensing Objectives

- 11.1 The 2005 Act sets out three licensing objectives, and in exercising its functions under the 2005 Act this licensing authority must have regard to these licensing objectives, which are:
- 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - 2) Ensuring that gambling is conducted in a fair and open way;
 - 3) Protecting children and other vulnerable people from being harmed or exploited by gambling.
- 11.2 This licensing authority expects operators to implement measures to mitigate risks to the licensing objectives and to consider and address measures contained in this section when preparing their risk assessments. Operators should also have regard to our local area profile, which will identify possible existing or emerging risks within Tower Hamlets.

- 11.3 The Gambling Commission's guidance emphasises that moral objections to gambling, or a view that it is generally undesirable are not licensing objectives and cannot inform any decisions by the licensing authority. Moreover, neither public safety nor public nuisance are licensing objectives and so cannot be considered when determining applications. These issues will largely be dealt with by the Council's Environmental Health Service via other primary legislation.
- 11.4 This licensing authority recognises that in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-
- in accordance with any relevant code of practice issued by the Gambling Commission,
 - in accordance with any relevant guidance issued by the Gambling Commission,
 - reasonably consistent with the licensing objectives in accordance with the authority's statement of licensing policy.
- 11.5 We will not consider whether the applicant is suitable to apply for a premises licence because the Gambling Commission would have already addressed this issue when granting the operator's licence. However, if any issues arise during the application process or after we have granted a licence that causes us to question the suitability of the applicant or licence holder, we will bring this to the attention of the Commission.
- 11.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) (Social Responsibility Code) require gambling premises to undertake a local risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Annex 6.
- 11.7 The risk assessment is required to be shared with the Council where there is a new application and or a variation to an existing premises licence.

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

- 11.8 When considering applications, we will always take the location of the premises into account with regard to the crime and disorder objective. We will have particular regard to premises situated in areas of Tower Hamlets that represent a higher risk of potential vulnerability to gambling-related harm

as are indicated in our local area profile.

11.9 When preparing their risk assessments, we expect applicants to consider the following measures:

- a) measures or actions to address crime and disorder issues around the design, layout or the look and feel of the premises. This may include steps to 'design out crime' such as changing layout, positioning of registers, CCTV, lighting and so on,
- b) measures to address the reoccurrence of any historical crime and disorder issues,
- c) changes to opening hours, where it is felt that amending them would address or reduce the specific concern around crime and disorder,
- d) whether the licensee should participate in any relevant council strategy that relates (or have aspects relating) to crime and disorder,
- e) whether training should be given to staff around crime prevention measures appropriate to the premises,
- f) where premises are subject to age restrictions, whether additional procedures or measures could be put in place to conduct age verification checks, better supervision of entrances/age restricted machines, or to ensure there is better segregation between age restricted areas of the premises,
- g) whether the premises has door supervisors or security,
- h) if the licence or variation is granted, the likelihood that the grant will result in violence, public disorder or problems in respect of policing.

This list is not exhaustive and simply indicates the types of measures that operators should consider in relation to crime and disorder.

Objective 2: *Ensuring that gambling is conducted in a fair and open way*

11.10 This licensing authority has noted that ensuring that gambling is conducted in a fair and open way is a matter for the Gambling Commission, as the way gambling products are provided are subject to the conditions of the operator licence or personal licences. This will not be the case if the licensing authority becomes involved in licensing betting track operators, or if we suspect that gambling is not being conducted in a fair and open way. In both cases we will bring this to the attention of the Gambling Commission.

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

11.11 In consultation with Public Health within this Council gambling related harms could be defined as “the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and societies”, as suggested by the Responsible Strategy Gambling Board. These harms affect resources,

relationships and health. The impact from them may be short-lived but can be durable, having enduring consequences and exacerbating existing inequalities.

- 11.12 In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling and having restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. The Licensing Authority will therefore judge the merits of each application before considering whether specific measures are required such as:
- restrictions on advertising and style of the premises where premises cater solely or mainly for adults so that gambling products are not aimed at children or advertised in such a way to make them particularly attractive to children;
 - restrictions on layout or on where certain machines may be in operation.
- 11.13 This Licensing Authority is will always take the location of the premises into account with regard to the children and vulnerable persons licensing objective when considering applications. We will have particular regard to premises situated in areas of Tower Hamlets that represent a higher risk of potential vulnerability to gambling-related harm where this is indicated in our local area profile.
- 11.14 When determining an application to grant or review a premises licence, regard may be given to the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure.
- 11.15 The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits and may depend in part on the type of gambling proposed. Therefore, if an applicant can effectively demonstrate in its policies how they might overcome licensing objective concerns, this will be taken into account. Applicants may wish to consult with Tower Hamlets Connect in regard to assist in determining locations of vulnerable persons premises.

- 11.16 As there is a difference between children and vulnerable persons, we have separated the rest of this section it into Children and vulnerable people.

Children

- 11.17 Protecting children from being harmed or exploited by gambling means:
- a) preventing children from taking part in gambling and,
 - b) restricting activities such as advertising, so that gambling products are not aimed at or appear attractive to children.
- 11.18 To ensure the above we will pay particular attention to licence applications for premises situated near schools or areas where there may be a high concentration of children or families. We will expect applicants to have carefully considered their operation and any potential for exposing children and young people to gambling. Where the Gambling Premises requires a restriction to not admit persons under 18 to the gambling premises or area operators should demonstrate policies and procedures that will prevent children and young people from entering such premises/area or partaking in gambling activities.
- 11.19 When considering the operators risk assessment, we will assess the measures the operator has in place to mitigate the risks to this licensing objective. Following which we will decide whether further specific measures are required at particular premises such as
- a) supervision of entrances to the premises
 - b) supervision of gaming machines and
 - c) the separation of certain areas within the premises
- 11.20 Where category C, B or A machines are on offer in premises to which children are admitted we will ensure:
- a) all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective in preventing access other than through a designated entrance,
 - b) the premises has appropriate signage indicating that access to that area where such machines are located is restricted to persons under the age of 18
 - c) only adults are admitted to the area where the machines are located
 - d) access to the area where the machines are located is supervised
 - e) the area where the machines are located is arranged so that the staff or the licence holder can observe it.

Separate requirements apply to alcohol-licensed premises that hold a gaming machine permit. These are detailed later on in this Policy.

Safeguarding against Child Sexual exploitation (CSE)

- 11.21 The Council acknowledges that CSE awareness does not just apply to children on licensed premises, particularly as children are not permitted to access most gambling premises. However, applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.
- 11.22 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE as part of promoting this objective (Objective 3) but also Objective 1 above. Measures may include, but are not limited to:
- awareness training for staff;
 - regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
 - close monitoring of patrons as they leave the premises;
 - recording and reporting concerns to the police.
- 11.23 The Council expects applicants to be aware of ‘risk indicators’ of CSE which include, but are not limited to:
- developing relationships between a child and an older person;
 - children in the company of a group of older persons;
 - children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children;
 - children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children;
 - children leaving the locality of the premises with older persons, particularly with a group of older persons;
 - children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons.
- 11.24 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it believes that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

Vulnerable People

- 11.25 This Licensing Authority does not seek to stop particular groups of adults from gambling or gaming in the same way that we seek to stop children. However, we are concerned about the potential for vulnerable people to be harmed or exploited by gambling.
- 11.26 The Gambling Commission Guidance does not seek to define ‘vulnerable persons’ however, for regulatory purposes, it does assume that vulnerable persons includes the following:

- a) people who gamble more than they want to,
- b) people who gamble beyond their means,
- c) people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.

11.27 This Licensing Authority recognises that there are many serious issues that can be a consequence of problem gambling, and therefore presents a greater risk of harm to vulnerable persons. These can include but are not limited to:

- a) job loss and absenteeism,
- b) poor work/study performance,
- c) stress depression and anxiety,
- d) suicide,
- e) poor health,
- f) financial hardship, debts and bankruptcy,
- g) resorting to crime/theft and imprisonment,
- h) neglect of family,
- i) impacts on others,
- j) relationship breakdown,
- k) domestic abuse.

11.28 Problem gambling, particularly with the young, can sometimes be an indication of other issues, such as anti-social behaviour problems. When we become aware of issues associated with problem gambling and vulnerable people, we will seek to work closely with the gambling premises operator, the Gambling Commission and other relevant services within the Council.

11.29 When dealing with gambling premises applications this Licensing Authority will have regard to our local area profile and pay particular attention to applications for premises near venues where, for example, Gamblers Anonymous groups (or similar) meet, residential homes, hospitals, or other premises where vulnerable as per paragraph 9.27 above reside or visit. In considering the above, we will base our decision on whether the proximity of the premises to the vulnerable group is likely to present a risk to this licensing objective. Where we have relevant evidence, we may consider the likelihood of vulnerable people using the premises, whether they have other reason to be in the proximity or not. This could be, as an example, through complaints made to us or through representations made about an application.

11.30 When determining an application and this issue is raised, we will also take into account the operator's risk assessment and assess the controls that are in place (or will be in place) to protect vulnerable people and promote the licensing objectives at the premises. Depending on the circumstances, we may have particular regard to:

- a) the size of the premises,
 - b) staffing levels at the premises,
 - c) procedures in place to identify a vulnerable person and to stop a vulnerable person from gambling,
 - d) the location and type of gaming machines on the premises,
 - e) arrangements in place to supervise the gaming machines.
- 11.31 This Licensing Authority expects operators to consider participation in voluntary best practice or certification schemes, such as GamCare's Safer Gambling Standard to assist in their promotion of the objective of Protecting children and other vulnerable persons from being harmed or exploited by gambling. We also expect operators to have policies in place that reflect the Gambling Commission's National Strategy to Reduce Gambling Harms.
- 11.32 We would also encourage operators to consider any relevant policies produced by the Council's Violence Against Women and Girls (VAWG) Service. In particular any training offered by this service in respect of this issue. For more information, please see the link to this service's web page below:
- https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_prevention/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx

PART B - Premises Licences and other matters

1 General Principles

- 1.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2 Duplication with other regulatory regimes and licensing objectives

- 2.1 This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. The 2005 Act makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law when considering applications. However, we will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Planning

- 2.2 Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the premises in place at the time of the Gambling application.
- 2.3 As stated in the Tower Hamlets Plan section of the Introduction above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.
- 2.4 There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the Gambling hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

3 Location and Local Risk Assessments

- 3.1 This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 3.2 It is the licensing authority's view that premises close to schools, playgrounds, or other educational establishments such as museums should not normally be licensed. 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.
- 3.3 The licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.
- 3.4 From 6th April 2016, the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) made it a requirement under the Social Responsibility (SR) code, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises, and have policies, procedures and control measures to mitigate those risks.
- 3.5 In making local risk assessments, applicants and licensees must take into account relevant matters identified in the following information sources:
- This Policy
 - Tower Hamlets Local Area Profile (https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Area_profiles.aspx)
 - Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits (https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx)
 - The Greater London Authority (GLA) – Ward Profile Tool (<https://data.london.gov.uk/dataset/ward-profiles-and-atlas>)
- 3.6 The LCCP states that licensees must undertake a local risk assessment when applying for a new premises licence and this must be reviewed and updated as

necessary:

- a) to take account of significant changes in local circumstance, including those identified in this policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and;
 - d) in any case, undertake a local assessment when applying for a new premises licence.
- 3.7 Licence holders are also required to provide this licensing authority with a copy of their local risk assessment when applying for a premises licence or applying for a variation to an existing premises licence. We can also request a copy of the local risk assessment at any other time, for example, when we are inspecting premises.
- 3.8 Where concerns exist or new risks emerge we may ask a licence holder to provide a copy of their local risk assessment, setting out the measures they have in place to address specific concerns. Licence holders may wish to consider the benefit of making their local risk assessment available to responsible authorities and interested parties.
- 3.9 The licensing authority expects the local risk assessment to consider as a minimum issues presented by the local landscape, such as;
- Exposure to vulnerable groups;
 - Identification of local specific risks;
 - Type of footfall – children, visitors, families, residents;
 - Educational facilities;
 - Community Centers;
 - Homelessness /rough sleeper hostels, provision of support services.
- 3.10 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 3.11 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
 - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
 - The layout of the premises so that staff have an unobstructed view of persons using the premises;

- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

3.12 To assist operators, Annex 6 sets out the Council's Gambling Local Area Profiles criteria. In connection with this the Council recognises the Gambling Commissions National Strategy to Reduce Gambling Harms, and supports the two strategy aims:

- **Prevention and Education** – making significant progress towards a clear public health prevention plan which includes the right mix of interventions.
- **Treatment and Support** – delivering truly national treatment and support options that meet the needs of users.

The full Strategy can be viewed here:

<http://www.reducinggamblingharms.org/>

Licence holders and Operators should have regard to this Strategy when undertaking their local risk assessment.

Public Health

3.13 The Council's Public Health Service has advised that the demographics of Tower Hamlets and local data demonstrate that there are relatively high levels of vulnerability to gambling related harm within the borough's population. As a result of this applicants are expected to consider Public Health's deprivation map in on our Local Area Profile page (see link above). This map identifies the areas of the borough that have high levels deprivation. Where applications for gambling premises fall within these areas of high deprivation applications are expected to contact the Council's Public Health Service, via the email below, prior to making an application.

- PublicHealthLicensing@towerhamlets.gov.uk

This will assist applicants to demonstrate in their local risk assessments that their application will not undermine the Gambling Objectives and would not add to the already high levels of deprivation experienced by residents in this area. Where applicants fail to demonstrate this in the local risk assessments the Council's Public Health Service may object to application within these areas.

4 Premises

- 4.1 Premises are defined in the 2005 Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence provided they are for different parts of the building. Different parts of the building can reasonably be regarded as being separate premises will always be a question of fact in the circumstances. However, areas of a building that is artificially or temporarily separate can be properly regarded as different premises.
- 4.2 A premises licence can authorise the provision of facilities for the following types of premises :
- a) casino
 - b) bingo
 - c) betting, including tracks and premises used by betting intermediaries
 - d) adult gaming centre (AGC)
 - e) licensed family entertainment centre (FEC)
- 4.3 The processing of applications for premises licences is our main function in terms of local gambling regulation and a key means by which we can ensure that risks to the licensing objectives are mitigated effectively.
- 4.4 As per Social Responsibility Code Provision 3.5.6 all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. This Authority expects applicants to provide details of this in their application.
- 4.5 This licensing authority will take particular note of the Gambling Commission's Guidance to local authorities that: -
- "Licensing authorities should take particular care in considering applications for multiple 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 that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not "drift" into a gambling area"

- "Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), especially if this raises issues in relation to children. There will be specific issues that authorities should consider where children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act."

5 Adult Gaming Centres (AGCs)

- 5.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. We will have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. Applicants must consider locations in regards to whether the area may have unsupervised children, and be able to demonstrate how they intend to ensure children do not gain access to the premises.

Appropriate licence conditions may cover issues such as:

- Proof of age schemes
 - CCTV
 - Door supervisors
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets/ helpful numbers for organisations such as GamCare
- 5.2 This list is neither mandatory nor exhaustive and is merely indicative.
- 5.3 The consultation survey completed when this policy was reviewed asked a question on hours of operation for AGCs. The Responses to this survey question indicated that they would like to see AGCs within Tower Hamlets limit their gambling times to the following:

- Monday to Sunday 07:00 hours to 22:00 hours

The Council recognises that the Gambling Act 2005 does not permit a licensing authority to limit gambling activity times unless specified in legislation, codes of practice, or where evidence supports such a limit in order to promote the Gambling Objectives. Nevertheless, we would encourage applicants for AGC Premises to consider the above times when making their application, and review whether they would be willing to accept these times and limit the required gambling activity times in the application to those specified above.

5.4 An AGC premises is entitled to the following allocation of gaming machines:

If the licence was granted on or after 13 July 2011:

- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A) machines
- b) any number of Category C or D machines

If the licence was granted before 13 July 2011:

- a) four category B3 or B4 (but not B3A) machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
- b) any number of Category C or D machines

6 Licensed Family Entertainment Centers (FECs)

6.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. This will require applicants and license holders being able to demonstrate that staffing and supervision arrangements are in place to meet this requirement. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpful numbers for organisations such as GamCare

- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, is it merely indicative.

- 6.2 An FEC are allowed any number of Category C or D gaming machines. However, where children and young persons are permitted to enter an FEC and may use category D machines. Persons under the age of 18 years are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machines, so that under-18s do not have access to them.
- 6.3 This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

7 Casinos

- 7.1 Section 166 of the 2005 Act, allows licensing authorities to resolve not to issue casino premises licences. This licensing authority has consulted with residents and businesses to seek their views before deciding whether to make such a resolution. As a result of the consultation the council has resolved not to issue casino premises licences. This was decided by Full Council on 18th September 2013.

8 Bingo Premises

- 8.1 Though the Act does not give a statutory definition of Bingo, two types of bingo are commonly understood. These are:
- Cash bingo – stakes paid make up the cash prizes that are won.
 - Prize bingo – various forms of prizes are won, not directly related to the stakes paid.
- 8.2 Gambling Commission Guidance identifies Bingo as “equal chance gaming” and has published its view on what Bingo is and how it differs from other forms of gambling. To aid applicants we have attached this advice note to this policy, see Annex 4. However, it must be stressed that this advice note from the Gambling Commission does not alter the meaning of Bingo as described in the 2005 Act. It merely seeks to offers the advice to help bingo operators avoid creating and offering products that the Gambling Commission considers to be casino games, lotteries or fixed odds betting.
- 8.3 A bingo premises licence allows the primary activity of bingo and the following allocation of gaming machines

If the licence was granted on or after 13 July 2011:

- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A)

- machines
 b) any number of Category C or D machines

If the licence was granted before 13 July 2011:

- a) eight category B3 or B4 (but not B3A) machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
 b) any number of Category C or D machines

These gaming machines must remain within the licensed area covered by the premises licence.

- 8.4 Bingo premises and children/young persons (persons under 18 years). Children and Young persons are allowed into Bingo Premises. However where a premises allows children/young persons into the premises they are not permitted to participate in Bingo. Moreover where the premises has Category B or C gaming machines available for use these must be separated from where children/young persons are permitted. Licence holders and applicants must also be aware of the restrictions placed upon children and young persons working in Bingo Premises.
- 8.5 As per Gambling Permission Guidance this licensing authority will follow the Social Responsibility Code, which states that all licensees must ensure that they their policies and procedures take account of the structure and layout of their premises in order to prevent underage gambling. This may include effective measure to ensure:
- all category B or C gaming machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where these machines are located are supervised;
 - the area where these machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.";
 - Effective monitoring procedures to ensure that children do not participate in bingo.
- 8.6 This licensing authority is aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

Bingo in Clubs and Alcohol-licensed Premises

- 8.7 Part 12 of the Act permits Bingo on alcohol licensed premises and in clubs and miners' welfare institutes. There are specific Regulations that provide the rules in relation to this (The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007, The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007). Where the level of bingo played in these premises reaches a certain threshold, it will no longer be allowed under this legislation and a bingo operating licence will have to be obtained from the Commission for future bingo games. This threshold is reached if the bingo played during any seven-day period exceeds £2000 (either in money taken or prizes awarded) once in a year.
- 8.8 Where this Licensing Authority becomes aware of an alcohol licensed premises or clubs are playing bingo during a course of a week which involves significant stakes and prizes, that makes it possible that the £2000 in seven day threshold is being exceeded, we will immediately inform the Gambling Commission.

9 Betting Premises

- 9.1 Children and young people are not permitted to access betting premises. Licence holders and applicants should be able to demonstrate that they have sufficient procedures in place to ensure that children are not permitted into betting premises. This will involve appropriate training in regards to challenging persons who appear under age.
- 9.2 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 years to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 9.3 We expect such premises to have clear policies and procedures in place to ensure that staff have clear line of sight to ensure staff can monitor the use of Betting Machines to ensure that vulnerable such as problem gamblers can be identified and dealt with as per operators Social Responsibilities Policies and Procedures. This will mean that staff within such premises should be appropriately trained to identifies such persons and know their employers policies and procedures to enable them to correctly assist vulnerable persons to reduce the risk of gambling related harm.
- 9.4 A betting premises licence allows the primary activity of betting and the following allocation of gaming machines

- a) Maximum of four gaming machines of categories B2, B3, B4, C or D (excluding category B3A).
- 9.5 Holders of a Betting Premises licence are permitted (at our discretion) to have betting machines, known as Self-service Betting Terminals (SSBTs). A SSBT is different from a gaming machine as it is designed or adapted to allow betting on “real events”. For example, some premises may have betting machines that accept bets on live events, such as horse racing as a substitute for placing a bet in person over the counter.
- 9.6 Licensing Authorities have powers to restrict the number of SSBTs in certain premises (Betting Premises and Casinos). This restriction is done via adding conditions to the premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, this licensing authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people. We will also consider the nature of SSBT and the circumstances by which they are made available. This may include:
- a) the size of the premises
 - b) the number of counter positions available for transactions; and/or
 - c) the number of staff to monitor the use of the machines by children and young persons or vulnerable people.
 - d) whether the machines have been, or are likely to be used in breach of the licensing objectives.
- 10 Tracks – (This section refers to where racing takes place, such as horse or greyhound racing) and other matters**
- 10.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission’s Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 10.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided
- 10.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence

conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-baring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

- 10.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 10.5 Track Premises are permitted to have the following gaming machines in the following circumstances:
- a) Where the owners hold both a Track Premises Licence and a Pool Betting Operating Licence (issued by the Gambling Commission) they may site up to four category B2 to D machines on the track;
 - b) Tracks that hold an alcohol licence are automatically entitled under s.282 of the 2005 Act to have two gaming machines of category C or D (please note to activate this entitlement the premises must notify the licensing authority, see Part C below for more information);
 - c) Track premises that fall into both a and b above, i.e. have an alcohol licence and hold both a Track Premises and Pool Betting Operating Licences are may have six gaming machines (two via the alcohol licence and four via the premises/operating licences).
- 10.6 Track Premises that hold a Pool Betting Licence will have conditions that the operator must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these. As a result this licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18s to bet) or by vulnerable people, when considering the number /nature / circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 10.7 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other

measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

- 10.8 Applications and plans - This licensing authority awaits regulations setting- out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission’s suggestion “To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on- course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.” And that “Plans should make clear what is being sought for authorisation under the track betting premises licence a n d what, if any, other areas are to be subject to a separate application for a different type of premises licence.”
- 10.9 This licensing authority also notes that in the Gambling Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

11 Travelling Fairs

- 11.1 It will fall to this licensing authority to decide whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs. This will be decided on the condition that the statutory requirement that the facilities for gambling must be ancillary amusement at the fair and not its main purpose.
- 11.2 The licensing authority will expect applicants to show how they will meet the licensing objectives, in particular in relation to children and young persons.
- 11.3 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair in that it must not be on a site that has been used for fairs on more than 27 days per calendar year.
- 11.4 The 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held. This is regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

12 Provisional Statements

- 12.1 Developers may wish to apply for a provisional statement before entering into a contract to buy or lease property or land. This may allow the developer to judge whether a development is worth taking forward in light of the need to obtain a premises Licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 12.2 A person can to make an application for a provisional statement in respect of premises that they:
- expect to construct,
 - expect to alter or,
 - expect to acquire a right to occupy.
- 12.3 Whilst applicants for premises licences must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.
- 12.4 In circumstances where an applicant has also applied to the Gambling Commission for an operating licence, the Gambling Commission has stated that licensing authorities should not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.
- 12.5 The process for considering an application for a provisional statement is the same as that for a premises licence application and thus must be accompanied by plans and the prescribed fee. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 12.6 Following the construction, alteration or acquirement of the premises for which the provisional statement relates to, the licence holder may subsequently apply for a premises licence. The Licensing Authority will be constrained in the matters we can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or

b) they reflect a change in the applicant's circumstances.

12.7 In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional statement application stage;
- b) which in our opinion reflect a change in the operator's circumstances; or
- c) where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan. We can discuss any concerns we may have with the applicant before making a decision.

13 The application and decision making process

13.1 When this Licensing we receives an application for a premises licence, we must consult interested parties and responsible authorities as set out in Part A above. These interested persons/responsible authorities can make comments about applications for premises licences, which are known formally as 'representations'.

13.2 Where we receive a valid representation, i.e. it relates to either the licensing objectives, matters in this Policy or the Gambling Commissions Codes or Practice or Guidance, we will refer the application to the Licensing Committee or Sub-Committee for determination at a hearing. In determining applications, the Committee shall aim to permit the use of premises for gambling in so far as we consider it to be:

- a) in accordance with any relevant Code of Practice or guidance issued by the Gambling Commission,
- b) reasonably consistent with the licensing objectives,
- c) in accordance with this Policy.

13.3 The Committee cannot consider any of the following when determining an application:

- a) moral objections (Licensing Authorities cannot base their decision on a dislike of gambling, or a general notion that it is undesirable to allow gambling premises in within their area),
- b) planning (as detailed earlier in this policy Licensing Authorities cannot have regard to planning or building control permissions or any planning restrictions when deterring applications under the 2005 Act),
- c) demand (Licensing Authorities cannot take into account issues around the demand for gambling premises).

14 Representations and Hearings

- 14.1 Where this licensing authority receives a representation from an interested party or responsible authority, we must first confirm that it is a valid representation.
- 14.2 For a representation to be valid it must be:
- a) Made by an Interested Party or a Responsible Authority,
 - b) Not be considered to be vexatious or frivolous,
 - c) Be relevant to application,
 - d) Detail how the application will negatively affect one or more of the licensing objectives.
- 14.3 Where an interested party or responsible authority makes a valid representation as mentioned above section 7, Part A above we will refer the application to the Licensing Committee or Sub-Committee for determination at a hearing. Those who have made a valid representation should attend the hearing as failure to do so could reduce the weight that the Committee places on representation. Where an interested person makes a representation and wishes to be represented by another person or organisation at the hearing, they must give this licensing authority a written notice requesting to be represented by that person or organisation.
- 14.4 Interested parties and responsible authorities can make representations about licence applications, or apply for a to review an existing licence (see below).
- 14.5 As detailed in Section 5 of Part A above Trade associations, trade unions and residents and tenants' associations can be interested parties, if they can demonstrate they are representing a member who lives sufficiently close to the premises, or is likely to be affected by the activities being applied for. Similarly Elected Councillors and MPs may also be interested parties provided they are acting on behalf of their constituents see Section 5 of Part A above for more information.

15 Licence fees

- 15.1 This Licensing Authority will calculate and collect fees from gambling operators to meet the costs of carrying out our licensing functions under the 2005 Act. The intention of the government is that fees will cover our costs for administration (including hearings and appeals), inspection and enforcement of the licensing regime. Current fees are available on our website.

16 Conditions

- 16.1 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises: and
 - reasonable in all other respects.
- 16.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures, this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas.
- 16.3 We will not duplicate any conditions or requirements attached to a premises licence by the Gambling Act, Gambling Commission Codes of Practice or Secretary of State (unless they are default conditions that we may substitute accordingly) or conditions attached to an operator's licence or personal licence.
- 16.4 The following are some but not all matters that operators are likely to be required to comply with by virtue of the 2005 Act, Regulations, mandatory conditions, default conditions or Codes of Practice:
- a) Proof of Age schemes,
 - b) CCTV,
 - c) supervision of entrances and machine areas,
 - d) physical separation of areas,
 - e) whether the premises may hold a licence to provide alcohol,
 - f) location of entry to the premises,
 - g) notices and signage about persons under 18 years of age not entering the premises,
 - h) opening hours,
 - i) self-barring schemes and,
 - j) provision of information leaflets and helpline number of gambling self- help organisations.
- 16.5 There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively. The licensing authority will consider the following specific measures in relation to all licensed premises, to the extent that they are

relevant to a specific application:

- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets;
- Self-exclusion forms available;
- The odds clearly displayed on all fixed odds machines;
- All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display posters with GamCare (or replacement organisation) Helpline information prominently displayed;
- There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated;
- Posters with details of GamCare's (or replacement organisation) telephone number and website.

The above list is not exhaustive.

16.6 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of Gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

16.7 This licensing authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

16.8 These considerations will apply to premises including buildings where multiple premises licences are applicable.

16.9 This licensing authority is aware that betting tracks may be subject to one or

more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Conditions we cannot attach to licences

16.10 It is recognised that there are conditions which the licensing authority cannot attach to premises licences which are:

- a) any condition on the premises licence which makes it impossible to comply with an operating licence condition,
- b) conditions that relate to gaming machine categories, numbers, or method of operation;
- c) conditions which provide that membership of a club or body be required (the 2005 Act) specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- d) conditions in relation to stakes, fees, winning or prizes

Applicants will however need to demonstrate social responsibility and adhere to best practice in the protection of the vulnerable.

17 Door Supervisors

17.1 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

17.2 The Private Security Industry Act 2001 regulates the private security industry in England, Wales and Scotland, and is responsible for licensing individuals working within the various industry sectors. The majority of persons employed to work as door supervisors at premises licensed for gambling and carrying out the functions listed under Schedule 2 Part 1 of the above act, will need to be licensed by the SIA.

17.3 The above requirement however is relaxed when applied to door supervisors for casinos and bingo halls. Where contracted staff are employed as door supervisors at casinos or bingo halls, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors these premises are exempt from these requirements. Irrespective of this provision this licensing authority will require door supervisors used at these premises to be licensed.

17.4 For other premises, where supervision of entrances/machines is appropriate any requirements for door supervisors or others will be on a case by case basis. In general betting offices will not require door supervisors for the protection of the public. A door supervisor will only be required if there is clear evidence that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

18 Reviews

18.1 This Licensing Authority may review a premises licence; or an interested party or responsible authority may apply to review a premises licence. When determining whether to initiate a review, we shall have regard to the Act, this Policy, Gambling Commission Guidance and the Council's Enforcement Policy.

18.2 This licensing authority will decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this policy.

18.3 We will also consider whether the request is frivolous, vexatious, will 'certainly not' cause this licensing authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review (i.e. it is repetitive).

18.4 The licensing authority may initiate a review of a particular premises licence, or particular class of premises licence where it is appropriate, for instances if:

- a) it has reason to suspect that premises licence conditions are not being observed,
- b) the premises is operating outside of the principles set out in the licensing authority's statement of policy,
- c) there is evidence to suggest that compliance with the licensing objectives is at risk,
- d) for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

18.5 Applications for a review of a premises licence must be submitted to the

Licensing Authority on a prescribed form. The application must also state the reasons what the review is being requested, together with any supporting information and documents. The applicant must also, within 7 days of making their application, provide written notice of their application to the premises licence holder and to all responsible authorities.

- 18.6 Once this licensing authority receives a valid application for a review, responsible authorities and interested parties can make representations during a 28-day period. This period begins seven days after we receive the application. We will publish notice of the application within seven days of receipt, in line with the Gambling Act 2005 (Premises Licences)(Review) Regulations 2007. Within this seven day period the applicant must provide a written notice of their application to the licence holder and all responsible authorities. Failure to do this will halt the application process until this notice is received by these parties.
- 18.7 We will carry out the review hearing as soon as possible after the 28-day period for making representations has passed. The review hearing will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:
- a) add, remove or amend a licence condition imposed by us
 - b) exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion
 - c) suspend the premises licence for a period not exceeding three months and
 - d) revoke the premises licence.
- 18.8 In determining what action, if any, we should take following a review, we will have regard to any relevant representations and the principles set out in paragraph 2.2 of the Part A, policy statement above.
- 18.9 This licensing authority may also initiate a review of a premises licence because a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.10 Once we have completed the review will notify the following of our decision as soon as possible:
- a) the licence holder,
 - b) the applicant for review (if any),
 - c) the Gambling Commission,
 - d) any person who made representations,
 - e) the chief officer of police, and

f) Her Majesty's Commissioners for Revenue and Customs.

19 Appeals

- 19.1 In relation to applications for premises licences, club gaming permits, club machine permits, and alcohol licensed premises gaming machines, and review applications, any party to a Licensing Authority decision who is aggrieved by that decision may lodge an appeal to the magistrates' court within 21 days of receiving notice of the Authority's decision.
- 19.2 In relation to decisions on FEC gaming machine permits and travelling fairs, the applicant can lodge an appeal against the Authority's decision with the magistrates' court within 21 days of receiving notice of the Authority's decision.
- 19.3 A person giving notice of a TUN or those entitled to receive a copy of a TUN may lodge an appeal within 14 days from receipt of decision to the magistrates' court.

PART C - Permits / Temporary & Occasional Use Notice

1 Permits and Notices

- 1.1 A permit or notice is required when premises provide a gambling facility, but either the stakes and prizes are very low, or gambling is not the main function of the premises.
- 1.2 This licensing authority is responsible for issuing and receiving the following types of permits and notices:
- a) gaming machine permit
 - b) prize gaming permit
 - c) club gaming and club machine permit
 - d) unlicensed family entertainment centre permit
 - e) travelling fairs
 - f) temporary use notice
 - g) occasional use notice
- 1.3 We have chosen not included specific details of the stakes and prizes for the various permits and have only provided minimal information regarding the numbers of permitted machines, because the government may change this information during the life of this Policy. We advise readers to refer our website or the Gambling Commission's website for up to date information.
- 1.4 Permits and Notices often related to the Gaming Machines available for use in unlicensed premises under the 2005 act. These Gaming Machines are commonly referred to as 'fruit machines' or 'one arm bandits' and fall into categories depending on the stake required to play them and the value of the maximum prize available. Generally,
- a) Category A machines have no limits on prizes or stakes but would only be permitted at a regional casino.
 - b) Category B machines can be provided in casinos, betting premises, bingo premises, adult gaming centres and private members clubs. These machines can give a much higher prize and there is a restriction on the number of machines allowed in those premises.
 - c) Category C machines are the type most commonly found in pubs and have a maximum prize value that is significantly lower than category B.
 - d) Category D machines are the type commonly found in amusement arcades and have lower value prizes and stakes. These may also include "Crane Grab" machines. Some of these are incorrectly labelled as "Skill Machine". Machines fitted with a compensator, which allows it to be converted from a skill machine to a gaming machine, are classified as a gaming machine and need to be clearly marked as such.

1.5 Furthermore, detailed guidance on Permits and Notices is available on The Gambling Commissions website www.gamblingcommission.gov.uk.

1.6 It should be noted that a licensing authority can only grant or refuse a permit. It cannot attach conditions to permits.

2 Unlicensed Family Entertainment Center (UFEC) Gaming Machine Permits

2.1 These are premises, which do not hold a premises licence but wishes to provide gaming machines. To provide gaming machines it must apply to this licensing authority for this permit. A UFEC is likely to cater to families, including unaccompanied children and young persons and are likely to be arcade style premises. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

2.2 The Gambling Commission's Guidance for local authorities also states: "In their three-year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permit. Licensing authorities will want to give weight to child protection issues." In connection with this where premises are likely to appeal to children and young persons, this Licensing Authority in considering matters relating to protection of children from being harmed or exploited by gambling will, where necessary, consult Local Safeguarding Children Board.

2.3 The licensing authority can only grant an application for a permit if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centers (UFEC), and if the chief officer of police has been consulted on the application.

2.4 As per this Policy this licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

2.5 This Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder. When determining such an application we will have regard to our local area profile and consider:

- a) appropriate measures / training for staff as regards suspected truant school children on the premises.
- b) measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- c) applicant and staff training/ understanding of the maximum stakes and

- prizes that is permissible in unlicensed FECs.
- d) applicant's Disclosure and Barring Service check or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years.
- e) any supporting documentation as to the design and layout of the premises.
- f) the offering of gaming is in accordance with the licensing objectives. This may include whether offering gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable.
- g) any objections raised by the police relevant to the licensing objectives.

The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application these permits.

- 2.6 It is this licensing authority's view that premises close to schools, playgrounds, or other educational establishments such as museums and places of worship should not normally be licensed. As a result, we will take location into account when considering and application for a permit for a UFEC premises.
- 2.7 This Licensing Authority, as encouraged by the Gambling Commissions Guidance, requires that a scaled plan for the unlicensed Family Entertainment Centers (UFEC) be submitted with the application for a permit. This plan should include:
- a) location of entrances and exits
 - b) number and positions of Category D machines
 - c) location of lighting inside and outside
 - d) location of CCTV
 - e) the amount of space around gaming machines to prevent jostling of players or intimidation
 - f) location and supervision of Automated Teller Machines
 - g) the location of appropriate clear and prominent notices and barriers
- 2.8 This Licensing Authority expects that applications for UFECs should normally be accompanied by an assessment of how the applicant will promote the Gambling Licensing Objectives. This should demonstrate such matters as:
- a) numbers of staff employed and on duty at any given time
 - b) details of opening hours
 - c) details of Proof of Age schemes
 - d) adoption of appropriate measures/training for staff as regards suspected truanting school children on the premises
 - e) evidence of staff training by way of a Premises Logbook, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises
 - f) evidence that the applicant and staff are trained to have a full

understanding of the maximum stake and prizes that are permissible.

3 (Alcohol) Licensed premises gaming machine

Notifications

- 3.1 There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises under the Licensing Act 2003, to automatically entitlement to have 2 gaming machines of categories C or D. Full definitions of the Gaming Machine Categories can be found on the Gambling Commission's website.
- 3.2 Premises wishing to take advantage of this automatic entitlement need to give written notice to the licensing authority of their intention to make gaming machines available for use and must pay the prescribed fee. This notice must be from the person/organisation that holds the premises licence (under the Licensing Act 2003), and if the person/organisation ceases to be the holder of this Premises Licence, the automatic entitlement for the two gaming machines also ceases. Premises Licences under the Licensing Act 2003 that have a condition requiring alcohol to be sold as ancillary to food are excluded from automatic entitlement to have gaming machines.
- 3.3 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - b) gaming has taken place on the premises that breaches a condition of section 282 of the 2005 Act (for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming;
 - c) the premises are mainly used for gaming; or
 - d) an offence under the 2005 Act has been committed on the premises.

In this situation, we will give the licence holder at least 21 days' notice of our intention to make remove this entitlement and consider any representations they may wish to make. Where requested by the licence holder we will hold a hearing of the Licensing Committee or Sub-Committee before we make a final determination.

Permits

- 3.4 If a premises wishes to exceed the automatic entitlement of two category C or D gaming machines, they must apply to us for a permit for more than two gaming machines. This permit replaces the automatic entitlement to two gaming machines and is not an addition to it.

- 3.5 This licensing authority will consider such applications based upon the licensing objectives, the Gambling Commissions Guidance, and any other matters that we think relevant.
- 3.6 We will decide each application on its own merits but generally:
- a) We may consider the size of premises and whether the numbers of machines applied for is appropriate in light of the licensing objectives and whether the premises is being “mainly used” for gambling.
 - b) We shall have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to provide sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines and that the permit holder can comply the Gambling Commission’s Codes of Practice.
 - c) Whether there are any issues in the premises history relating to the gambling licensing objectives that the Licensing Authority should properly consider when deciding whether to grant a permit.
- 3.7 This licensing authority considers that “such matters” will be decided on a case-by-case basis but generally there will be an emphasis on the need to protect children and vulnerable persons from harmed or being exploited by gambling as detailed in paragraph 3.5 (b) above. Measures which will satisfy the authority in respect of this are:
- that there will be no access to under 18s.
 - the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines to ensure they are not being used by those under 18.
 - Notices and signage.
- 3.8 As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 3.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.
- 3.10 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. However, we cannot attach any other conditions.
- 3.11 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4 Prize Gaming Permits

- 4.1 Prize gaming takes place when the number of people playing does not determine the nature and size of the prize, or the amount paid for or raised by the gaming. The operator determines the prize before play commences.
- 4.2 The licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 4.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.
- 4.4 In line with Gambling Commission Guidance this licensing authority will take location into account when considering an application for a permit for Prize Gaming, and when determining such an application will have regard to our local area profile and consider whether:
- a) the applicant clearly understands the limits to stakes and prizes that they propose to offer, and the gaming is within the law,
 - b) the premises where gaming is proposed to be offered is not situated in the vicinity of areas that may overly attract young people, such as schools, after school care, parks or playgrounds,
 - c) the applicant has any relevant convictions,
 - d) that staff are trained to have a full understanding of the maximum stakes and prizes.
 - e) the offering of gaming is in accordance with the licensing objectives. This may include whether offering gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable,
 - f) the police have raised any objections relevant to the licensing objectives.

The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application for a prize gaming permit.

- 4.5 This Licensing Authority, as encouraged by the Gambling Commissions Guidance, require that a plan for the unlicensed Family Entertainment Centers (UFEC) be submitted with the application for a permit. As such the plan should include:

- a) location of entrances and exits
 - b) location of lighting inside and outside
 - c) location of CCTV
 - d) the location of appropriate clear and prominent notices and barriers
- 4.6 Where premises are likely to appeal to children and young persons, this Licensing Authority in considering matters relating to protection of children from being harmed or exploited by gambling will where necessary consult Local Safeguarding Children Board.
- 4.7 It should be noted that although the licensing authority cannot attach conditions, there are conditions in the 2005 which the permit holder must comply. These conditions are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

5 Club Gaming and Club Machines Permits

- 5.1 As per the Gambling Commission Guidance, a Licensing Authority may grant or refuse the permit, but it cannot attach conditions to them. Licensing Authorities must also inform the applicant, the Gambling Commission and the police of the outcome of the application for a permit and any objections made.
- 5.2 Licensing Authorities may only refuse an application for a permit on the following grounds:
- i. the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - ii. the applicant's premises are used wholly or mainly by children and/or young persons;
 - iii. an offence under the 2005 Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- iv. a permit held by the applicant has been cancelled in the previous ten years; or
- v. an objection has been lodged by the Commission or the police.

5.3 There is also a 'fast-track' procedure available under the 2005 Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for licensing authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced." And "The grounds on which an application under the process may be refused are:

- i. that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the 2005 Act;
- ii. in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- iii. a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

5.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5.5 For the most up to date information in regards to Club Gaming and Club Machine Permits please see the Gambling Commissions Website.

Club Gaming Permits

5.6 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit

5.7 Miners' welfare clubs are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust, which has received fund from one or a number of mining organisations.

5.8 A members clubs must:

- a) have at least 25 members,
- b) be established for, and conducted wholly or mainly for, purposes other than gaming (unless gaming is permitted by separate regulations),
- c) be permanent in nature,
- d) not established to make a profit; and

- e) controlled by its members equally.
- 5.9 Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”
- 5.10 The Club Gaming Permit will enable the premises to provide a total maximum of three (3) gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement of the permit also allows equal chance gaming and games of chance, such as Pontoon. For detailed and up-to-date list of permissions, stakes and prizes please see the Gambling Commission’s website.
- 5.11 A club gaming permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled or forfeited.

Club Machine Permit

- 5.12 Members clubs and miners’ welfare institutes may choose to apply for the club machine permit if they do not want to have the full gaming provided by a club gaming permit. In addition, commercial clubs may also apply for a club machine permit.
- 5.13 Commercial clubs are members clubs established for profit, such as snooker clubs.
- 5.14 A club machine permit allows a total maximum number of three (3) gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 5.15 Before granting the permit the licensing authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18 years of age
- 5.16 A club machine permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled or forfeited.

6 Temporary Use Notices (TUN)

- 6.1 Temporary Use Notices (TUNs) allow the use of premises to be use for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN could include hotels, conference centres and sporting venues. Licensing Authorities can only grant a TUN to a person or company holding a relevant operating licence issued by the Gambling Commission.

- 6.2 There are certain restrictions to the type of Gambling that a TUN can cover, these restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's operating licence, this licensing authority will therefore give consideration as to whether the form of gambling being offered on the premises will be remote, non-remote, or both, and whether this is in compliance with the operating licence,
 - gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises,
 - it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner,
 - gaming machines may not be made available under a TUN.
- 6.3 In considering whether a place falls within the definition of "a set of premises", we will have regard to the Guidance and consider the individual facts on their merits but, amongst other things, we will have particular regard to the ownership, occupation and control of the premises.
- 6.4 This licensing authority will object to a Temporary Use Notice (TUN) application if it appears that regular gambling is taking place in locations they could be described as one set of premises, as recommended by the Gambling Commission Guidance.
- 6.5 Please note that cash games, which are games where each hand provides a winner, are not permitted under a TUN. Furthermore, a TUN cannot be granted for 21 days in respect of each of its exhibition halls.
- 6.6 In respect of a vessel, TUN's may be granted for a vessel but only if it is a passenger vessel or one that is situated in a fixed place. The latter would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of a lake).

7 Occasional Use Notices

- 7.1 An Occasional Use Notice permits betting on a sporting event or race at a track on eight days or fewer in a calendar year without the need for a full premises licence. It therefore allows temporary and infrequent events such as point-to-point racing to take place and for bets to be taken on the outcome.
- 7.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice, i.e. whether applicant is licensed as a betting operator and has appropriate permission from the Gambling Commission to use tracks for conducting

betting.

- 7.3 We will also decide what constitutes a track, sporting event or race on a case-by-case basis. In doing so we will follow the Gambling Commission's guidance in relation to tracks.

8 Small Society Lotteries

- 8.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:
- licensed lotteries (requiring an operating licence from the Gambling Commission) and,
 - exempt lotteries (including small society lotteries registered by the Licensing Authority).
- 8.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission.
- 8.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within.
- 8.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 8.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Guidance.
- 8.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of their registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual

monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information manually but preferably electronically by emailing licensing@towerhamlets.gov.uk.

- 8.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 8.8 The Licensing Authority may refuse an application for registration if in their opinion:
- the applicant is not a non-commercial society
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or
 - information provided in or with the application for registration is false or misleading.
- 8.9 The Licensing Authority will ask applicants to complete an application form setting out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society.
- 8.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available its procedures on how it handles representations.
- 8.11 The Licensing Authority may revoke the registered status of a Society if it thinks that they would have had to or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration in the same manner it would be minded to refuse registration.
- 8.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an operator's licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the



Society.

PART D - Administration, Exercise and Delegation of Functions

1 Administration and Exercise

- 1.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 1.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 1.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications where no representations have been made has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. The decisions cannot be reversed.
- 1.4 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 1.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

2 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	BY WHOM
<p>Three year licensing policy (responsibility shared with Cabinet)</p> <p>Policy to permit or not to permit casinos</p>	<p>THE FULL COUNCIL</p>
<p>Fee Setting- (but when appropriate Corporate Director)</p> <p>Application - for a premises licence, variation of a premises licence, transfer of a premises licence, application for a provisional statement in connection with a premises, in all cases where representations have been received and not withdrawn.</p> <p>Review- of a premises licence.</p> <p>Application for, or cancellation of club gaming /club machine permits where representations have been received and not withdrawn</p> <p>Decision to give a counter notice to a temporary use notice</p>	<p>LICENSING COMMITTEE / SUB-COMMITTEE</p>
<p>For a premises licence, variation of a premises licence, transfer of a premises, application for a provisional statement in connection with a premises, in all cases where no representations have been received/ or representations have been withdrawn.</p> <p>Application for a club gaming machine/ club machine permit where no representations received/ representations have been withdrawn.</p> <p>Applications for other permits</p> <p>Cancellation of licensed premises gaming machine permits</p> <p>Consideration of temporary use notice</p>	<p>OFFICERS</p>

Annexes

- Annex 1** List of consultees.
- Annex 2** Results of Consultation (Including Responses where needed)
- Annex 3** Gambling Best Practice Guide
- Annex 4** Sample conditions
- Annex 5** Local area profiles

Annex 1

List of consultees:

Authorities/Bodies

- The Gambling Commission
- Metropolitan Police Service
- HMRC
- The London Fire Brigade
- Mayor's office for Policing and Crime (MOPAC)
- The Institute of Licensing (IoL)
- Adult Care Service, London Borough of Tower Hamlets
- Council of Mosques
- NSPCC
- Tower Hamlets Clinical Commissioning Group (THCCG), NHS
- The Young Mayor, London Borough of Tower Hamlets
- Maritime and Coastguard Agency (MCGA)
- The Environment Agency
- The Canal and River Trust
- Health and Safety Executive (HSE)
- London Legacy Development Corporation
- Port of London Authority
- Licensing, Environmental Health and Trading Standards Service
- Health and Safety, Environmental Health and Trading Standards Service
- Trading Standards, Environmental Health and Trading Standards Service
- Public Health Service, London Borough of Tower Hamlets
- Child Protection, London Borough of Tower Hamlets
- Environmental Health, Environmental Health and Trading Standards Service
- Community Safety, London Borough of Tower Hamlets
- Planning and Building Control Service, London Borough of Tower Hamlets
- Violence Against Women and Girls (VAWAG) Service, London Borough of Tower Hamlets
- Growth and Economic Development, London Borough of Tower Hamlets
- Employment and Enterprise, London Borough of Tower Hamlets

- Licensing, London Borough of Hackney
- Licensing, London Borough of Southwark
- Licensing, City of London Corporation
- Licensing, London Borough of Lewisham
- Licensing, Royal Borough of Greenwich
- Licensing, London Borough of Newham

Gambling Operators/Businesses:

- Carousel Amusements
- Greenwich Leisure Limited (GLL)
- Merkur Cashino
- Gala Coral Group
- Joe Jennings
- William Hill
- Paddy Power
- Roar Betting
- Tote Betting
- Two Way Media

Gambling Support Services

- GamCare
- Responsible Gambling Trust

Businesses

- All Gambling Premises Licence Holders (Gambling Act 2005) in the Borough

Councillors

- Licensing Committee Members
- Councillor Asma Islam
- Councillor Sirajul Islam
- Councillor Motin Uz-Zaman
- Members Bulletin



Resident Groups/Associations

- St Georges Residents Association
- SPIRE
- Ezra Street Residents

Annex 2

Responses to the Gambling Policy Consultation 2021:

Body or Organisation	Summary of issues	Response (where relevant)
Licensing, City of London Corporation	No Comment.	No response required
	<ul style="list-style-type: none"> • To align language with local and national VAWG Strategy, so changing terminology to domestic abuse rather than domestic violence, so that this incorporates all forms of abuse including economic and coercive control. Can link to the Domestic Abuse Act 2021 statutory definition. • Accountability and responsibility - Gambling addiction will be treated, like any other addiction, as an illness. However, it is important there is emphasis that this is not used by perpetrators as an excuse or cause for abuse. This is in the same way as we do not accept alcohol/substance misuse as an excuse or cause of abusive behaviour. A statement or adapting the language to that effect by the council is important. • Following on from above point, perhaps an impact assessment to learn from the intersections of disadvantage. For example, where gambling/financial abuse further undercuts those experiencing abuse. Consideration around the expectations of who within the relationship is expected to “manage” this issue, it should be the perpetrator not the victim. • Support and signposting - There needs to be clear referral pathways for people struggling with gambling behaviours, as it is 	<p>Policy Amended - Para 9.27 changed from Domestic Violence to Domestic Abuse.</p> <p>Policy not Amended - The policy is in relation to how the Council regulates gambling licensing under the Gambling Act 2005, we cannot go beyond what the act or Gambling Commission Guidance Permits. Furthermore, the act has a clause that states that Licensing Authorities should aim to permit gambling.</p> <p>Policy not Amended - All operators must have local area risk assessments place controls to protect vulnerable people and promote the licensing objectives at the premises. Furthermore, in completing this they are expected to have regard to our local area profiles, which have been added to in this policy, see annex 6.</p> <p>Policy not Amended - This is covered in page 21, para 10.31.</p>

	<p>essential to provide support for an illness. However, this is also so that perpetrators do not hide behind the excuse that there is no help available. It is another means of taking accountability and allows us to give clear advice to victim/survivors.</p> <ul style="list-style-type: none"> • A link to the VAWG Service Directory could be added which includes support numbers, pathways for professionals, victims, abusers, including training opportunities. www.towerhamlets.gov.uk/VAWG ServiceDirectory <p>The following has been added below para 9.31:</p> <p><i>We would also encourage operators to consider any relevant policies produced by the Council's Violence Against Women and Girls (VAWG) Service. In particular, any training offered by this service in respect of this issue. For more information, please see the link to this service's web page below:</i></p> <p>https://www.towerhamlets.gov.uk/lqnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx</p> <ul style="list-style-type: none"> • If you wanted something more specific to just abusers, this link includes GamCare and Respect Support services for perpetrators of abuse/abusers (towerhamlets.gov.uk) • "No Casino Policy" - Similar to an ideal of TH being a zero SEV borough, consideration around a "no casino" policy across the borough. • Gamcare references – Gamcare no longer offer stickers, but 	<p>Policy Amended to add para under para 10.31.</p> <p>Policy not Amended - covered in para 10.31.</p> <p>Policy not Amended - no casino policy already in place - see page 29.</p> <p>Policy Amended.</p>
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	<p>posters are available to order. Recommend changing 'stickers' to 'posters'. Suggest rephrasing as <i>"All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display posters with GamCare (or replacement organisation) Helpline information prominently displayed,"</i> (16.5, bullet point 4)</p> <ul style="list-style-type: none"> • Recommend altering the wording to reflect that GamCare can support applicants through their training for gambling industry staff. Suggest rephrasing as <i>"Applicants may wish to seek support with their applications from the Crime Reduction Officer and to seek GamCare training for their staff with a view to obtaining a certificate of training attendance."</i> (Annex 4: Gambling Best Practice Guide, second last bullet point) 	<p>Policy Amended.</p>
	<p>Public health is fully supportive of the draft policy for the following reasons:</p> <ul style="list-style-type: none"> • This policy addresses an issue of local public health importance and inequalities in Tower Hamlets. • This policy is in line with the strategic priorities for us as a council (Tower Hamlets Local Plan), our partners (Tower Hamlets Together - Health and Wellbeing Strategy) and based on evidence of poor health and social outcomes within our Joint Strategic Needs Assessment. • This policy draws on national and international evidence and best practice. • Public Health specifically supports Section 9.11 – 9.27, outlining how children and vulnerable persons will be protected from gambling related harm within the limitations 	<p>No Response needed.</p>

	<p>of this policy.</p> <ul style="list-style-type: none"> Public Health specifically supports Section 12.10 which suggests including training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this in their risk assessments. As well as section provision of signage and documents games rules, gambling care providers and other relevant information in both English and the other prominent first language for that locality. Section 12.10 also highlights the importance of advertisement not to target those underage i.e. in window displays. Public health supports Section 12.1 – 12.11 of this policy outlining the considerations the Authority will go through in determining gambling premises licenses. <p>Public Health Recommendations:</p> <ul style="list-style-type: none"> Do not permit any additional betting shops to open in areas of clustering as outlined on Figure 2 in the areas of St. Peter's, Whitechapel North/Spitalfields and Banglatown South and in Bow. <p>The available evidence shows that a multi-pronged approach is needed to successfully tackle gambling harm. The provisions in this policy therefore must be accompanied by</p>	<p>Note that unlike the Licensing Act 2003 Authorities cannot seek to reduce premises in certain areas.</p> <p>Policy Amended in line with the results of the online survey: Paras added to "Location and Local Risk Assessments" this is to encourage applicants to speak to Public Health prior to their application so that they can use Public Health's data to produce a suitable Local Areas Risk Assessment to ensure promotion of the gambling objective; Protecting children and other vulnerable people from being harmed or exploited by gambling.</p> <p>Policy no Amended. These examples are already included see para 16.5, page 40.</p>
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	<p>additional action. We recommend that LBTH Licensing and Safety invest in work with local operators to encourage them to follow best practice. Examples would include:</p> <ul style="list-style-type: none"> • Protection of staff and lone working are addressed within the operators' risk assessment. • All operators are encouraged and supported with materials where applicable to provide suggestions outlined in section 16.5 as normal practice, such as: <ul style="list-style-type: none"> - Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets - Self-exclusion forms available - The odds clearly displayed on all fixed odds machines - All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation) - Helpline information prominently displayed - There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated - Posters with details of GamCare's (or replacement organisation) telephone number and website. • Operators should provide healthy lifestyle information in their premises linked to gambling e.g. leaflets regarding alcohol consumption and providing clear direction to local support for 	<p>Policy not Amended – The Gambling Act 2005 does not permit Authorities to add items that do not relate to Gambling or the Gambling Objectives. Public Health can object to a Licence to ask applicants to voluntarily add such things as a condition.</p>
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	<p>mental health problems, addictions, and debt advice. These leaflets should signpost to, and use wording from, independent support organisations rather than industry-funded organisations.</p> <ul style="list-style-type: none"> • Operators should reduce advertising (i.e. window displays) especially to children at least in line with the Senet Group's set of Commitments as best practice. This should be demonstrated in their risk assessments. • Finally, since gambling is increasingly recognised as involving public health concerns, the Authority should continue to work with Public Health to foster close working relationships over the life course of this policy to ensure that the health of Tower Hamlets residents is promoted within the context of licensed gambling establishments. 	<p>Policy not Amended – already included in the Policy, top of page 25.</p> <p>Public Health receive weekly lists of Licensing Applications, we would expect that they would contact us and review the application where they had concerns. Where there is concern that the gambling objectives are not being promoted, objections can be made.</p>
<p>Power Leisure Bookmakers Limited (Paddy Power)</p>	<p>Part A - 9.21 Objective 3 – protecting children and vulnerable persons from harm</p> <p>Whilst we acknowledge that protecting children from harm is fundamental, references to child sexual exploitation has no direct relevance to this objective and no evidence has been provided to support the inclusion of this content with the policy statement.</p> <p>The Authority should recognise that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objective under the Gambling Act 2005. As children</p>	<p>Policy not Amended – Some Gambling Premises are permitted to allow children in, e.g. Pubs with Gaming Machines. The policy does not seek to place Child Sexual Exploitation (CSE) measures as conditions on their Licences etc. The Policy simply expects and encourages Gambling Premises to be aware of the signs of CSE. This is to assist in preventing CSE from occurring in all parts of the Borough.</p>

	<p>are not permitted into betting premises, there would already be the appropriate policies and procedures in place (for example, age verification/restricted access) to mitigate the risks of them being harmed or exploited by gambling – see LCCP code provision 3.2.7 and 3.2.8.</p> <p>The policy itself, also undermines the inclusion of this commentary as it earlier states <i>‘In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling’</i>.</p> <p>It should be noted that the Gambling Commission guidance states: a licensing authority may identify the safeguarding as a key priority...in which case its statement would set out those policies preures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling’. We suggest that the policy is amended to reflect this.</p> <p>Paddy Power is a responsible operator and implements measures to address local risks that to activities that would take place within their premises.</p> <p>Part B - 2. Duplication with other regulatory regimes and licensing objectives - planning</p> <p><i>‘Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the</i></p>	<p>Policy not Amended – this does not seek to suggest that any application would be refused/rejected if appropriate planning permission had been obtained. It is to advice applicants to ensure that they speak to Planning so that they can be sure that any measure place in their application or supporting documents does not inadvertently breach any planning legislation. Furthermore that they speak to Planning particularly in respect of New Betting Shops to avoid the cost of a Gambling Act application if they are likely to achieve the correct planning</p>
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	<p><i>premises in place at the time of the Gambling application.</i></p> <p><i>As stated above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.'</i></p> <p>Whilst we acknowledge that appropriate planning permission must ultimately be obtained for any proposed premises, section 210 of the Gambling Act 2005 prescribes that the Licensing Authority shall not have regard to whether or not planning or building approval will be obtained.</p> <p>In consideration of the correct legal requirements under the licensing regime, as identified at paragraph 2.2, we suggest that any reference to obtaining planning permission prior to submission of a licence application or at the time a licence application is made be removed in its entirety or at least amended to reflect the correct legal position that the authority might expect applicants to 'obtain' appropriate planning or other relevant permissions.</p> <p>Paragraph 2.3 of the policy invites applicants to consider Policy D.TC5 of the Local Plan 2031 before making an application for a Gambling Premises Licence. We acknowledge that information regarding local profile is an important tool to assist operators identifying potential risks to the Licensing Objectives under the Act. Evidenced led assessment enables the implementation of appropriate policies and procedures to mitigate any risks identified. However, any reference to a presumption of refusal or resistance to an application under the Gambling Act 2005 would be in direct contravention of the legal test provided by section 153. Whilst some</p>	<p>permissions to enable them to carry out Gambling Activities.</p>
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	<p>of the considerations identified in Policy D.TC5 may be appropriate under the planning regime, their inclusion within or reference to the Council's Statement of Principles not only seek to undermine the principles of the Act itself, but also potentially jeopardise any determination made by the Authority. As an example, any decision under the Act which gave weight to inappropriate policy considerations such as a general reference to an over concentration of similar venues would expose such a decision to immediate challenge. We therefore recommend that the draft policy be amended to correctly identify the principles that would be applied under the Gambling Act 2005 and not considerations relevant to other regimes or Council policy.</p>	
Resident 1	<p>There are too many facilities where gambling is too easy and accessible. I would suggest tighter limits on opening hours for arcades or similar</p>	<p>Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.</p>
Resident 2	<p>These polices do not go far enough in protecting society in the first instance (reducing hours, controlling proximity / advertisement of location) OR in holding gambling centres accountable for behaviours (delivering support, advertising helplines, declining service)</p>	<p>As above in reference to hours for adult gaming centres. In reference to controls on proximity this would need to be done via objection where the applicant fails to demonstrate in their application that the application will promote the gambling objectives.</p> <p>Advertisements and helplines etc. already covered in the policy.</p>
Resident 3	<p>existing gambling in the borough should all be shut down on public health grounds</p>	<p>Public Health is not a gambling objective thus licences cannot be refused or revoked on this basis.</p>
Resident 4	<p>I am opposed to this draft. It is too extensive. I think there should only be minimal regulations pertaining to gambling, or to any legitimate business activity.</p>	<p>This is aimed at the legislation, which is not being considered here, and is out of scope in regard to this policy.</p>
Resident 5	<p>Please oppose all gambling as strenuously as possible</p>	<p>The Act means Licensing Authorities must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives.</p>

Resident 6	The policy embodies improvements to the existing policy. However, personally I think the restrictions on gambling do not go far enough... Betting companies have huge economic power, and for too long they have enjoyed 'light touch' regulation. Their super-profits - derived from 'rigged' gaming through the use of clever algorithms to fleece punters - are evidence of this apparent freedom to 'print money', making their owners fortunes. I would like to see much tougher regulation in our Borough (TH).	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 7	Healthcare professionals should be specifically consulted (mental health workers especially working in addiction and local GPs) as they see directly the harms gambling establishments inflict on vulnerable people. I also think that the licensing hours should be restricted eg 5pm-10pm	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act. Public Health in the Council are consulted, though they are not a responsible authority under the act.
Resident 8	I support the proposed changes	No comment needed.
Resident 9	Does not go far enough to discourage gambling, which is dangerous for everyone (not just children and vulnerable people).	The Act means Licensing Authorities must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives. We cannot discourage gambling premises under the Act.
Resident 10	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 11	Again, I've not see your draft statement.	No comment needed.
Resident 12	As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I	This relates to the legislation on Gambling and is out of scope of what this policy can consider. However, if the application or a licence premises is failing to promote the gambling objectives then a review can be applied for or in the case of a new application an objection made.

	<p>still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.</p>	
Resident 13	<p>Gambling is an under-estimated public harm, exploiting people who cannot afford or manage a "flutter". The borough has a public health duty to reduce harm to residents' financial and emotional wellbeing, and strict controls on gambling outlets is its most effective tool</p>	<p>The Act means Licensing Authorities must aim to permit. Reduction of gambling harms is already covered, and Gambling Operators must demonstrate this under their Operators Licence and Premises licence.</p>
Resident 14	<p>Gambling has no value to society and leads to further deprivation and ASB.</p>	<p>This relates to the legislation on Gambling and is out of scope of what this policy can consider.</p>

Annex 3: Gambling Best Practice Guide

We expect all Gambling premises in the Borough to carry out the measures listed in this Best Practice Guide along with the measures detailed in the main Policy.

This guide is about businesses that promote gambling have the responsibility in protecting the vulnerable that may be exposed by their activities.

- All premises to hold and maintain a log of incidences and the handling of problem gambling that occur in the premises. This information should be shared with Licensing Officers on request. Relevant data that should be held include the date and a short description of the intervention in relation to voluntary/mandatory exclusions and whether individuals have tried to gain entry, attempts of those that are underage to gain entry whether with an adult or not. Any incident requiring an intervention from staff
- Staff should be aware on how to tackle irresponsible gambling and have sufficient knowledge on how to promote responsible gambling. Be able to signpost customers to support services with respect to problem gambling, financial management and debt advice. Leaflets on how to identify problem gambling should available for customers in the premises.
- Staff should be aware of the importance of social responsibility, the causes and consequences of problem gambling, intervention with vulnerable persons, dealing with the exclusion of problem gamblers and escalating them for advice or treatment.
- Staff should be aware of refusing customers entry due to alcohol or drugs, age verification processes, identifying forged ID, the importance of time and spend limits
- Staff to be familiar with the offences under the Gambling Act, the categories of gaming machines, the stakes and odds associated with each machine.
- Staff should also be aware of not encouraging customers to increase the amount or time they gamble, re-gamble winnings and chase losses.
- Staff to be excluded from gambling at the premises where they are employed and the premises to have a 'no tipping' rule.
- Applicants may wish to seek support with their applications from the Police and to seek GamCare training for their staff with a view to obtaining a certificate of training attendance.
- Where Fixed Odds Betting Terminals are installed within the premises they should be positioned in direct sight of a supervised counter.

Annex 4: Sample of premises licence conditions

This Annex, reproduced from the Gambling Commission's Guidance to Licensing Authorities, provides a sample of conditions that have been attached to premises licences by licensing authorities, with some amended for illustrative purposes. These are not blanket conditions but have been imposed in a number of circumstances to address evidence based concerns. Part 9 of the Gambling Commission's Guidance to Licensing Authorities provides further details on the principles licensing authorities should apply when exercising their discretion to impose premises licence conditions.

The conditions listed below have been grouped under specific headings for ease of reference. There will inevitably be some overlap between those conditions that address different concerns, for example those related to security and to anti-social behaviour.

1. Security

- 1.1 No pre-planned single staffing after 8pm and, when this is unavoidable, for a Maglock to be in constant use.
- 1.2 A minimum of two members of staff after 10pm.
- 1.3 A minimum of two members of staff will be on duty throughout the whole day.
- 1.4 The premises will have an intruder alarm and panic button.
- 1.5 Maglock systems are employed and access is controlled.
- 1.6 Requirements for full-height security screens to be installed.
- 1.7 A requirement for 50% of the shop frontage to be clear of advertising so that staff have a clear view and can monitor the exterior of the premises.
- 1.8 The premise shall maintain a 'safe haven' to the rear of the counter.
- 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 31-day period.
- 1.10 A member of staff from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This member of staff must be able to show a member of the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 1.11 A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.

1.12 If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.

2. Anti-social behaviour

2.1 The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.

2.2 The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.

2.3 The Licensee shall place a notice visible from the exterior of the premises stating that drinking alcohol outside the premises is forbidden and that those who do so will be banned from the premises.

2.4 Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.

2.5 The Licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises'.

2.6 The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

2.7 The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.

2.8 The Licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the counter.

2.9 Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.

3. Underage controls

3.1 The Licensee shall maintain a bound and paginated 'Think 21 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.

3.2 Customers under 21 will have to provide ID.

3.3 The premises will operate a 'challenge 25' policy and prominent signage and notices will be displayed showing the operation of such policy

3.4 Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority and police. In the first twelve months (from the date of the Review) two additional internal test purchase operations to be carried out.

3.5 A physical barrier (ie a supermarket metal type or similar) acceptable to the

licensing authority, and operated in conjunction with the existing monitored alert system, to be put in place within 3 months from the date of the review.

3.6 No machines in the Unlicensed Family Entertainment Centre to be sited within one meter of the Adult Gaming Centre entrance.

4. Player protection controls

4.1 Prominent GamCare documentation will be displayed at the premises.

4.2 There shall be no cash point or ATM facilities on the premises.

4.3 The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.

4.4 New and seasonal staff must attend induction training. All existing staff must attend refresher training every six months.

4.5 All notices regarding gambling advice or support information within the vicinity of XXX must be translated into both simplified and local languages.

4.6 Infra Red Beam to be positioned across the entrance to the premises. To be utilised whenever:

- (a) The first member of staff is not positioned within the Cash Box or,
- (b) The second member of staff is not on patrol

Annex 5

Local Area Profiles

The aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises.

The Council publishes Borough and Area profiles – ward profiles on its website at https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Borough_profile.aspx

Some publically available sources of information to assist in operators completing a Local Area Profile include:

- a) Crime Mapping websites
- b) Ward profiles
- c) Websites or publications by local responsible authorities
- d) Websites or publications by local voluntary schemes and initiatives
- e) On-line mapping tools

The Council will expect applicants for grant of new or variation to existing licences to include full details of their risk assessment in compliance with Social Responsibility (SR code) 10.11 and Ordinary code provisions 10.1.2 (both effective from 6th April 2016).

We also provide maps in addition to those found in our Area Profiles, which detail community safety incidents and vulnerability data. These will be added to the website link below annually; however, they can also be obtained by emailing Licensing@towerhamlets.gov.uk.
https://www.towerhamlets.gov.uk/lgnl/business/licences/gambling_act_2005.aspx

Equality Impact Analysis Screening Tool

Section 1: Introduction

Name of proposal For the purpose of this document, 'proposal' refers to a policy, function, strategy or project
Statement of Gambling Policy 2022 Review
Service area and Directorate responsible
Place/Public Realm
Name of completing officer
Tom Lewis, Team Leader, Licensing and Safety, Environmental Health and Trading Standards
Head of Service
David Tolley, Head of Service, Environmental Health and Trading Standards

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with 'protected characteristics' and those without them
- Foster good relations between those with 'protected characteristics' and those without them

This Equality Impact Analysis provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above. For more information about the Council's commitment to equality, please visit the Council's [website](#).

Section 2: Summary of proposal being screened

Describe the proposal including the relevance of proposal to the general equality duties and protected characteristics under the Equality Act 2010

This is a Policy that the Council has a legal requirement to adopt under the Gambling Act 2005 and must review at least every 3 years. The policy sets out in detail how the licensing authority (Council) will discharge its licensing functions under the Gambling Act 2005.

There are three licensing objectives set out in the Gambling Act, as follows:

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

The Licensing Authority's licensing powers under the Gambling Act 2005 are limited to premises, with operator and remote (online) gambling regulated by the Gambling Commission.

In considering the policy in view of the Equality Act 2010, though there could be a view that there may be an effect on religious/believe the reason for the policy is statutory. Therefore, in view of this and the new addition of "Equality & Inclusion in Gambling Premises" section, which discusses PSED and links the policy to the Council's Equality Policy, it does not appear that there are likely to be any adverse effects on people who share Protected Characteristics as defined by the 2010 Act.

Section 3: Equality Impact Analysis screening

<p>Is there a risk that the policy, proposal or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below?</p> <p>Please consider the impact on overall communities, residents, service users and Council employees.</p> <p>This should include people of different:</p>	Yes	No	Comments
▪ Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ Religion or Philosophical belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<ul style="list-style-type: none"> ▪ Gender re-assignment status 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> ▪ People who have a Disability (physical, learning difficulties, mental health and medical conditions) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> ▪ Marriage and Civil Partnerships status 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> ▪ People who are Pregnant and on Maternity 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>You should also consider:</p> <ul style="list-style-type: none"> ▪ Parents and Carers ▪ Socio-economic status ▪ People with different Gender Identities e.g. Gender fluid, Non-binary etc. ▪ Other 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If you have answered **Yes** to one or more of the groups of people listed above, **a full Equality Impact Analysis is required**. The only exception to this is if you can 'justify' the discrimination (Section 4).

Section 4: Justifying discrimination

Are all risks of inequalities identified capable of being justified because there is a:	
(i) <i>Genuine Reason</i> for implementation	<input type="checkbox"/>
(ii) The activity represents a <i>Proportionate Means</i> of achieving a <i>Legitimate Council Aim</i>	<input type="checkbox"/>
(iii) There is a <i>Genuine Occupational Requirement</i> for the council to implement this activity	<input type="checkbox"/>

Section 5: Conclusion

Before answering the next question, please note that there are generally only two reasons a full Equality Impact Analysis is not required. These are:

- The policy, activity or proposal is likely to have **no or minimal impact** on the groups listed in section three of this document.
- Any discrimination or disadvantage identified is **capable of being justified** for one or more of the reasons detailed in the previous section of this document.

Conclusion details

Based on your screening does a full Equality Impact Analysis need to be performed?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have answered **YES** to this question, please complete a full Equality Impact Analysis for the proposal

If you have answered **NO** to this question, please detail your reasons in the 'Comments' box below

Comments

The decision making body is recommended to:

- Agree the proposed Gambling Policy
- Note that the 'no casino' resolution remain within the Gambling Policy.

All local authorities have to review and adopt a gambling policy every three years which defines how they will administer and exercise their responsibilities under the Gambling Act 2005.

The Gambling Policy is prescribed by the central government and the Gambling Commission. The policy is compatible with this advice and guidance.

Some of the major issues and concerns about gambling, including gambling addiction, are not addressed in the policy, as the policy details how the licensing authority (Council) will discharge its licensing functions under the Gambling Act 2005.

The Gambling Policy states how the Licensing Authority will exercise its authority. This policy covers the following:

- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
- The main licensing objective for the authority is protecting children, preventing crime and disorder and ensuring gambling is fair and open.
- The Licensing Authority approach to regulation.
- The scheme of delegation.

The licencing objectives remain including protecting children and the vulnerable, including 'people may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.'

The business operators will be requested to undertake local risk assessments in relation to their premises. It is expected that the local risk assessment will consider various issues including exposure to vulnerable groups, type of footfall (e.g., children, families), education facilities and homelessness/ rough sleeper hostels. The local risk assessment is also expected to identify how these risks will be mitigated and monitored.

Also, a statutory consultation process commenced on 7th March and 29th May 2022. The comments received have been analysed and incorporated into the policy where necessary.

The policy will be agreed by the full Council.

The policy includes a number of measures to prevent children from taking part in gambling and restriction of advertising so that gambling products are not aimed at or are attractive to children.

The licensing authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas.

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