

Committee :	Date:	Classification:	Report No.	Agenda Item No.
Licensing Sub-Committee	15/09/2020	Unclassified		

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Gambling Act 2005 Application for a new Premises Licence for Adult Gaming Centre at 10 Brick Lane, London E1 6RF Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant Name	Future Leisure Limited
Address of Premises:	10 Brick Lane London E1 6RF
Licence sought:	New Premises Licence <ul style="list-style-type: none"> • Adult Gaming Centre
Representations:	Metropolitan Police Licensing Authority

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Gambling Policy		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a new premises licence for Future Leisure Limited, 10 Brick Lane, London E1 6RF

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

3.3 The applicant has submitted a risk assessment and further supporting documents, including offering additional conditions, see **Appendix 2**.

3.4 The premise was a former Betting Shop.

3.5 A map showing the relevant premises is included as **Appendix 3**.

4.0 **Premises in the vicinity**

4.1 101 Whitechapel High Street – Adult Gaming Centre

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

5.1 The Council has adopted a licensing policy in relation to gambling and this is available from the Licensing Section, and at the hearing. The policy is effective from 5th December 2019.

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

5.3 The Gambling Commission has issued guidance to Licensing Authorities which will also be available at the hearing. It can also be viewed at www.gamblingcommission.gov.uk. Relevant Sections can be found within the licensing officer's report.

6.0 **Representations**

6.1 This hearing is required by the Gambling Act 2005 because representations have been made by:

Licensing Authority - See **Appendix 4**

Metropolitan Police – See **Appendix 5**

6.2 The representations relate to:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

6.3 An interested party is defined as someone who:

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

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

6.5 The licensing objectives are:

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

6.6 In addition, no one under the age of 18 is permitted to enter an adult gaming centre. A holder of an Adult Gaming Centre can make category B machines available not exceeding 20% of the total number of gaming machines and any number of category C and D machines. (See **Appendix 12**).

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

6.8 Members should note that moral objection to gambling is not relevant to the decision making process. See **Appendix 6**

7.0 Licensing Officer Comments

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

7.2 The Committee can, if it feels minded to compose conditions on the premises licence. Paragraph 9.28 of the guidance states:

Licensing Authorities should not attach conditions that limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Guidance, the Commissions Codes of practice or their own statement of licensing Policy
- in a way that is reasonably consistent with the licensing objectives.

Conditions must be proportionate to the circumstances they are seeking to address. In particular;

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises, locality, local risks and type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- reasonable in all other respects.

7.3 Local authorities are also prevented from attaching conditions relating to certain matters. Paragraph 9.32 of the guidance sets out the relevant sections of the Act where conditions may not be imposed.

- section 169(4) prohibits an authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
- section 172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
- section 170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

7.4 Guidance issued to Licensing Authorities by the Gambling Commission

- Gambling Commission Advice on Moral Objections (**Appendix 6**)
- Gambling Commission advice on the Principles to be applied when considering applications (**Appendix 7**)
- Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime (**Appendix 8**)
- Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way (**Appendix 9**)
- Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling (**Appendix 10**)
- Gambling Commission Advice on Premises Licences (**Appendix 11**)
- Gambling Commission Advice on Adult Gaming Centres (**Appendix 12**) there are mandatory conditions which must apply to this application.

7.5 The Gambling Policy of the London Borough of Tower Hamlets

- London Borough of Tower Hamlets Gambling Policy On Children and Vulnerable (**Appendix 13**)
- London Borough of Tower Hamlets Gambling Policy relating to adult gaming centres (**Appendix 14**)

8.0 Legal Comments

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

9.0 **Finance Comments**

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Risk Assessment & Supporting documents
- Appendix 3** Maps of the area
- Appendix 4** Representation of Licensing Authority
- Appendix 5** Representation from Metropolitan Police
- Appendix 6** Gambling Commission Advice on Moral Objections
- Appendix 7** Gambling Commission advice on the Principles to be applied when considering applications
- Appendix 8** Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime
- Appendix 9** Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way
- Appendix 10** Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Appendix 11** Gambling Commission Advice on Premises Licences
- Appendix 12** Gambling Commission Advice on Adult Gaming Centres
- Appendix 13** London Borough of Tower Hamlets Gambling Policy On Children and vulnerable
- Appendix 14** London Borough of Tower Hamlets Gambling Policy relating to Adult Gaming Centres