

FUTURE LEISURE LIMITED - 10 Brick Lane E1 6RF

TOWER HAMLETS LICENSING COMMITTEE HEARING 15th SEPTEMBER 2020

APPLICATION FOR GAMBLING ACT 2005 PREMISES LICENCE

1. Documents

- (a) Application for Gambling Act 2005 Premises Licence (submitted)
- (b) Local Area Risk Assessment (submitted)
- (c) Example front door and signage
- (d) Example entry sign
- (e) Gamcare Notice
- (f) Self-exclusion Guide
- (g) Social Responsibility Charter
- (h) Policies and Procedures
- (i) Think 25 Arcade Poster
- (j) Staying in Control Leaflet
- (k) Staying in Control Poster
- (l) Think 25 Poster
- (m) Gambling Intervention Guide
- (n) Safeguarding in Gambling
- (o) Correspondence

2. Background

1. This is an application for a Gambling Act 2005 Premises Licence for an Adult Gaming Centre at 10 Brick Lane E1 6RF.

2. The applicant is Future Leisure Limited which is an independent company owned by Gavin Tresidder who is an experienced operator of Adult Gaming Centres. Future Leisure Limited are a member of BACTA (British Amusement Catering Trade Association) which is the trade association for amusements and gaming machines covering family entertainment centres, machine supplies for pubs, clubs and bingo halls as well as operators of Adult Gaming Centres. Mr Tresidder and his companies have held licence with the UK Regulator for nearly 30 years.
3. Future Leisure Limited holds an operating licence issued by the Gambling Commission and all policies and procedures which promote the 3 licensing objectives set out in the Gambling Act 2005 are approved by the Commission and in preparing its policies and procedures, Future Leisure Limited also relies on BACTA's own policies and procedures. These policies and procedures will all be implemented and will ensure that the concerns of those who have made representations will be managed at all times.
4. This particular site has had the benefit of a Gambling Act 2005 premises licence as the premises was trading as a betting office operated by William Hill. This application will replace one type of Gambling Act 2005 premises licence, namely a betting office, with another, namely an Adult Gaming Centre.
5. According to the GC website there are 69 betting shop premises in Tower Hamlets and 3 x AGC premises. AGC premises do not have fixed odds betting terminals.

6. The AGC premises are the following distances from our application site in brackets. The applicant is familiar with all 3 sites which are long established and all trade 24/7,

Admiral – OPEN 24/7 - 449-453 Bethnal Green Road, E2 9QH (1.1 Miles)

Cashino – OPEN 24/7 - 420 Bethnal Green Road, E2 0DJ (1.0 Miles)

Cashino - OPEN 24/7 - 87 Whitechapel High Street, E1 7QX (0.2 Miles)

7. In practice, this application for a Gambling Act premises licence is not to provide an additional licence but a replacement licence for the William Hill shop, albeit without fixed odds betting terminals.

8. There are only 2 representations made against the application and none from any concerned local residents. The applicant has tried to work with the Licensing Authority but has received no response to its original letter of the 9th July 2020 and no response to several chasing emails. The applicant has also been in touch with the Metropolitan Police who have confirmed that no analysis of any data has been undertaken. Correspondence is attached.

9. The representations fail to acknowledge the Local Area Risk Assessment, policies and procedures operated by Future Leisure and specific staff training on promoting all three of the Licensing Objectives the licensing objectives at all times and in particular protecting children and the vulnerable and keeping gambling free from crime.

10. On the 18th June 2020 Tower Hamlets granted an application for an AGC Premises Licence to this applicant for premises at Unit 3 , 568 Roman Road , London E3 5ES being satisfied that the application was consistent with the Licensing Objectives and was no cause for concern.

3. The Adult Gaming Centre

11. The Adult Gaming Centre provides gaming machines for customers to use in the shop.

12. Adult Gaming Centres are lawful venues permitted under the Gambling Act 2005. The Gambling Act 2005 and its regulations specify the type of machine that can be used in the premises and in some instances specifies the number of particular types of machines.

13. An Adult Gaming Centre is not allowed to have fixed odds betting terminals.

4. Conditions

- (a) Mandatory conditions.
 - i. A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.
 - ii. There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit. (England and Wales only). There is no definition of 'direct access' in the Act or regulations, although licensing authorities may consider that there should be an area separating the premises concerned, such as a street or café, which the public go to for purposes other than gambling, for there to be no direct access.
 - iii. Any ATM made available for use on the premises should be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

- iv. The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. Additionally in Scotland the sale of alcohol on the premises is specifically prohibited. A notice stating this should be displayed in a prominent place at every entrance to the premises.

(b) Conditions proposed

1. A comprehensive CCTV system shall be installed and maintained on the premises as required by the Metropolitan Police Licensing Team. CCTV should cover the following:
 - a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
 - b) The areas of the premises to which the public have access (excluding toilets)
 - c) Gaming machines and the counter area
2. The CCTV shall continue to record activities 24 hour a day for 31 days.
3. CCTV shall be made available for the police viewing at any time with minimum delays when requested.
4. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
5. A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.

Children and Young People

6. The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
7. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
8. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.
9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the
PASS Hologram.

Entrances and Doors

10. A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.

Staffing levels

11. There shall be no pre-planned single staffing at any time.

Identification of Offenders or Problem Persons

12. The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

13. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.

Seating

14. The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting.

Alarms

15. The licensee shall install and maintain an intruder alarm on the premises.

16. The premises shall install and maintain a panic button behind the cashiers counter.

Toilets

17. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking. Toilet checks are to be documented stating the time and member of staff who made the checks.

Signage, Promotional Material and Notices

18. Prominent GamCare documentation will be displayed at the premises.

Staff Training

19. The licensee shall: provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme. periodically provide refresher training to all of its staff

working at these premises on the specific local risks to the licensing objectives. Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing

Authority as soon as practicable.

20. The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in this training shall be formally recorded and the records produced to the police or licensing authority

upon request.

21. New and seasonal staff must attend induction training and receive refresher training every six months.

Homeless and Street Drinking

22. 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.

23. The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.

Recording of Incidents and Visits

24. An incident log shall be kept for the premises and made available on request to an authorised officer of the City Council or the Police which will record the following;

- a) All crimes reported to the venue;
- b) Any complaints received regarding crime and disorder;
- c) Any incidents of disorder;
- d) Any faults in the CCTV system; and
- e) Any visit by a relevant authority or emergency service.

ATMs

25. There shall be no cash point or ATM facilities on the premises

5. The Law

14. The applicant is aware that the Committee will of course receive legal advice from its legal adviser during the course of the hearing However the law governing the consideration of

this application is very clear and specific and different to the Licensing Act 2003 considerations.

15. Gambling Act 2005 section 1 sets out the licensing objectives as being:

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

16. The Gambling Act 2005 also sets out the principles to be applied by licensing authorities in exercising their functions under the Gambling Act 2005 which are different to the principles that would be applied in other licensing applications e.g. Licensing Act 2003 premises licence applications.

17. Gambling Act 2005 Section 153 principles to be applied:

- (1) In exercising their functions under this part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think of it -
 - (a) In accordance with any relevant code of practice;
 - (b) In accordance with any relevant guidance issued by the Commission under Section 25;
 - (c) Reasonably consistent with the licensing objective (subject to Paragraph (a) and (b)); and
 - (d) In accordance with the statement published by the authority under Section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a premises licence, a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

(3) This section is subject to Section 166. (This relates to casino licences).

18. It can be seen from Gambling Act 2005 Section 153 that the legislation requires the licensing authority to “*aim to permit*” in so far as the application is “*reasonably consistent*” with the matters referred to in this section.

19. There is commentary in Paterson’s Licensing Acts on the wording of Section 153 “What is the scope of this duty? It is suggested that there are 2 elements: first, it creates a presumption in favour of granting the premises licence since it is only if the licence is granted that the premises may lawfully be used for gambling. But, the duty seems to go further than that. The verb “to aim” is defined by the OED as meaning “to calculate one course with a view to arriving (at a point); to direct ones course to make it one’s object to attain...”.

20. Paterson’s continues “The most obvious way in which the authority will be able to exercise their powers in this way will be an imaginative use of their power to frame and impose conditions so as to overcome objections to the application which might in the absence of suitable conditions lead to the application being rejected.”

21. The paragraph in Paterson’s concludes “it is also necessary to recognise that the language of Section 153(1) stops short of being mandatory; “aim to permit” provides a strong steer to look favourably on an application, but no more.”

22. The Gambling Commission guidance to licensing authorities makes it clear that in determining applications for premises licences, the Act explicitly sets out 2 principles that licensing authorities should not have regard to:

- Section 153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.
- Section 210(1) of the Act states that “in making a decision in respect of an application... a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building”.
- The guidance continues “licensing authorities should also be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences... An authorities decision cannot based on dislike of gambling or a general notion that it is undesirable to allow gambling premises in an area”.

6. Conclusion

23. The applicant has not had any issues at the other premises traded as Adult Gaming Centres by the applicant. The applicant promotes the licensing objectives in it’s other premises and will do so in these premises.

24. The applicant is an experienced operator with a range of policies, procedures and other operating controls that promote the licensing objectives , codes of practice and principles

set out in Tower Hamlet's policy. There are additional measures proposed in this application in addition to those usually in place in Adult Gaming Centres.

25. The Licensing Committee is invited to conclude that the application is consistent with all matters referred to in Section 153 Gambling Act 2005 and in applying that section can properly grant the application.