

Kathy Driver
 Principal Licensing Officer
 Tower Hamlets
 John Onslow House
 1 Ewart Place
 London
 E3 5AQ

Our ref CC/AU/FUT002-29-6/5033

Your ref

07 July 2020

Dear Kathy

Future Leisure, 10 Brick Lane, London E1 Gambling Act 2005 Adult Gaming Centre

We are instructed by Future Leisure Limited and submitted the application for the Adult Gaming Centre for premises at 10 Brick Lane, London, E1. Thank you for forwarding to us your representation relating to this application dated 2 July 2020.

We have discussed your representation now with the applicant and we note all of your observations and wonder if we could provide you with further information about the application for you to consider your position.

We would like to stress that our client is an independent operator of Adult Gaming Centres who is based in North London and very much a 'hands on' operator. He will always work in partnership with local authorities , responsible authorities and residents and listen carefully to any concerns expressed. We are therefore proposing a significant number of conditions at the end of this letter which we hope will satisfy you that the requirements of the Gambling Act 2005 are dealt with. We do have some issues with parts of your representation which we also deal with as it is much more appropriate to deal with them up front rather than at a later stage. We would have suggested a meeting had we been in different times but are more than happy to have a Zoom meeting etc or to discuss further on the phone.

1. Gambling Act 2005.

You have referred in your representation to the 2005 Act licensing objectives which we will refer to later, but can we also remind you of the specific section in the Gambling Act 2005 which deals with premises licence applications and the principles to be applied by the Licensing Authority. Section 153 Gambling Act 2005 is worded as follows:

- (1) In exercising their functions under this part, the Licensing Authority shall aim to permit the use of the premises for gambling in so far as the authorities think it -
 - (a) In accordance with the relevant code of practice under Section 24
 - (b) In accordance with any relevant guidance issued by the Commission under Section 25
 - (c) Reasonably consistent with the licensing objectives; and
 - (d) In accordance with the statement published by the authority under Section 349.

The local authority is required to “aim to permit” the use of premises for gambling which places a duty upon the Licensing Authority to exercise their power so far as it is lawfully possible to achieve a position in which they can grant the premises licence and thus permit the premises to be used for gambling.

The licensing objectives are very specific and different to the licensing objectives set out in the 2003 Act and in particular, the first licensing objective relates to preventing gambling from being a source of crime or disorder or being associated with crime or disorder. As you will be aware, the Licensing Act 2003 licensing objectives refer to the prevention of crime and disorder (generally) and the prevention of public nuisance (generally).

You refer in your representation to the cumulative impact zone in Brick Lane, which both ourselves and the applicant are aware of and you also refer to the high density of licensed premises and high levels of anti-social behaviour. It is incumbent upon us to remind you that the high density of LA03 licensed premises and any anti-social behaviour connected to those licensed premises, is not relevant for a Gambling Act 2005 licence if not directly attributable to gambling and must be disregarded. It is extremely unfair for a representation from a principal licensing officer to refer to irrelevant matters and to conclude (without any evidence) with the sentence “This application will accentuate the problems associated in this area”. There is no reason or evidence whatsoever to conclude whatsoever that an Adult Gaming Centre will impact on the density of alcohol act licensed premises, or the levels of anti-social behaviour which may or may not be connected to the alcohol act licensed premises.

The specific test set out in the Gambling Act 2005 relates to whether these particular premises, i.e. an Adult Gaming Centre with all the mandatory and specific conditions will prevent gambling itself from being a source of crime or disorder. The applicant operates 7 other licensed Adult Gaming Centres and has no issues of crime and disorder connected to these premises and the police anti-social behaviour figures in Tower Hamlets generally, is not connected to Adult Gaming Centres. The applicant promotes the licensing objectives and we set out later some proposed conditions for you to consider.

2. The premises - 10 Brick Lane, London, E1

You rightly point out that the plan of the premises does not contain any detail as to where the machines will be located. There is no requirement for the plan to do so, but it may assist you in giving further consideration to this application if we confirm the following:

- (a) The machines will all be highly visible at all times to members of staff. The Local Area Risk Assessment submitted with the application refers to this and to staff patrolling the shop floor ,preventing access to those under age and those under the influence, a maglock and there being no counter for staff to sit behind.
- (b) Unlike a betting office, in which members of staff are located generally behind a counter and often behind a screen, the staff in Adult Gaming Centres “walk” the shop floor at all times and have considerably better line of sight and communication with customers than betting office staff.
- (c) The fact that the staff are walking the shop floor allows them to ensure that the licensing objectives are met
- (d) No one under 18 at all is allowed in an Adult Gaming Centre and anyone attempting to enter the shop is assessed by staff in so as to promote the licensing objectives
- (e) No one carrying alcohol, under the influence of drink or drugs is allowed access to the shop, the consumption of alcohol in the shop is prohibited and customers who appear intoxicated will not be allowed access to the shop. It is, with respect, wholly incorrect and unfair to suggest that these premises “could lead to customers already consuming alcohol before and after being on the premises”. Your wording of this sentence in that the premises could “lead” to this happening, suggests that the presence of this particular Adult Gaming Centre will be a cause of customers consuming alcohol either before or after being on the premises. This suggestion is without any

foundation at all and again an unreasonable and unfair suggestion for a principal licensing officer to put forward.

3. Proposed Conditions and 568a Roman Road, E3 5ES

We appreciate that the initial part of this letter seeks to address issues both with your interpretation of the Gambling Act 2005 and with several of your comments put forward in your representation. It is important that we are as open with you as possible at the earliest possible stage so that you can reasonably consider your position.

We hope that does not detract from the applicants stance which would in every single case be to work with the Licensing Authority and Responsible Authorities either during an application process or after the premises have opened. The applicant is an independent operator of Adult Gaming Centres and very "hands on". His offices are situated in London and he knows the areas very well and a very detailed risk assessment has been put forward, including measures as to how the vulnerable will be protected.

You may or may not be aware that the applicant was last month granted a licence at 568a Roman Road, Bethnal Green and agreed with Tower Hamlets public health the following conditions:

1. Window display advertisements will not display gambling, but only the brand and products or will be plane frontage with a company logo only.
2. Challenge 25;
 - (a) The licence holder/operator shall have a challenge 25 policy whereby all customers who appear to be under the age of 25 are asked for proof of their age
 - (b) The licence holder/operator shall prominently display notices advising customers of the Challenge 25 policy
 - (c) The following proof of age are the only ones to be accepted: proof of age card bearing the PASS hologram symbol, UK driving licence, Passport
3. Refusals Book
 - (a) The licence holder/operator shall keep a register (refusals book) to contain details of time and date, description of underage persons/vulnerable persons entering the premises and the name/signature of the sales person who identifies that the person was underage/vulnerable
 - (b) The refusals book to be examined on a regular basis by the licence holder/operator and date and time of examination to be endorsed in the book.
 - (c) The refusals book to be kept on the premises and made available for inspection by an authorised officer of the local authority or the police.

The applicant would also be agreeable to all of the following conditions being added to the licence and operational at the premises.

4. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.

A CCTV camera shall be installed to cover

- (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
5. An overt CCTV monitor to be installed, able to be seen by customers

6. CCTV shall be made available for the police viewing at any time with minimum delays when requested.
7. The following crime prevention measures shall be implemented:
 - (a) A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area
 - (b) Regular robbery awareness and cash handling training shall be given to all staff.
8. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
9. 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.
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.
11. All doors and windows shall remain closed during any licensable activity.
12. A suitable intruder alarm complete with panic button shall be fitted and maintained.
13. A fire alarm and smoke detection system shall be installed.
14. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking and alcohol consumption. Toilet checks are to be documents stating the time and member of staff who made the checks.
15. Toilet doors remain locked, fitted with a magnetic style-locking device and access given by staff only.

4. Summary

The applicant is very keen to work with you and consider any further proposals, but we hope you will agree that the above 15 conditions, in addition to the matters referred to in the risk assessments, provide a very detailed and comprehensive summary as to how this application is consistent with the licensing objectives. The applicant also has extensive policies and procedures in place and staff training provisions to ensure that the staff are fully appraised of the need to protect vulnerable persons and we attach as an example one of those policies.

We wonder if you would confirm, having considered the above information, whether (a) there is any further information you require, (b) whether there are any additional conditions you would wish us to consider, or (c) whether you are able to withdraw your representation.

Yours faithfully

Woods Whur

Woods Whur