

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

Applicant Name: **Power Leisure Bookmakers Limited**

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

Licence sought: **New Premises Licence**

- **Betting**

Representations: **Representatives of local residents**

2.0 **Recommendations**

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Kathy Driver 020 7364 5171

3.0 **Background**

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

4.0 **Premises in the vicinity**

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

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

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

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

6.0 Representations

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

6.2 The representations relate to:

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

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

6.4 An interested party is defined as someone who:

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

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

6.6 The licensing objectives are:

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

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

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

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

7.0 Licensing Officer Comments

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

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

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

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

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

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

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

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

7.4 Guidance issued to Licensing Authorities by the Gambling Commission

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

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

7.5 The Gambling Policy of the London Borough of Tower Hamlets

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

8.0 **Legal Comments**

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

9.0 **Finance Comments**

9.1 There are no financial implications in this report.

10.0 Appendices

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