

Appendix 1

077115

Application for a premises licence
under the Gambling Act 2005 (standard form)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

- | | | |
|--|---|--|
| Regional Casino <input type="checkbox"/> | Large Casino <input type="checkbox"/> | Small Casino <input type="checkbox"/> |
| Bingo <input type="checkbox"/> | Adult Gaming Centre <input type="checkbox"/> | Family Entertainment Centre <input type="checkbox"/> |
| Betting (Track) <input type="checkbox"/> | Betting (Other) <input checked="" type="checkbox"/> | |

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – [delete as appropriate]):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

LETH
STANDARDS
17 JUL 2014
LICENSING

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: **Power Leisure Bookmakers Ltd**

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

**Oneustonsq
40 Melton Street
London**

Postcode: **NW1 2FD**

8(a) The number of the applicant's operating licence (as given in the operating licence):

000-001034-N-103643-008

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made: **N/A**

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): **Paddy Power**

11. Address of the premises (or, if none, give a description of the premises and their location):

**620 Roman Road
London
Postcode: E3 2RW**

12. Telephone number at premises (if known): **N/A**

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Three storey building with residential accommodation above, market street location

14(a) Are the premises situated in more than one licensing authority area? **No**

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, other than the licensing authority to which this application is made: **N/A**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **No**

[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates: **N/A**

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? **No**

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

269 Whitechapel Road	London	E1 1BY	14573
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20. Please set out any other matters which you consider to be relevant to your application:

None

Part 6 – Declarations and Checklist (Please tick)

We confirm that, to the best of our knowledge, the information contained in this application is true. We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- We understand that if the above requirements are not complied with the application may be rejected
- We understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: Poppleston Allen

Date: 17 July 2014

Capacity: Solicitors for & on behalf of the applicant

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name: _____

Date: _____

Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Richard Bradley

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

0115 948 7424

24. Postal address for correspondence associated with this application:

Richard Bradley

Poppleston Allen

37 Stoney Street

The Lace Market

Nottingham

Postcode: NG1 1LS

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

r.bradley@popall.co.uk

NOTICE OF APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that **Power Leisure Bookmakers Limited**

of the following address –
**Oneustonsq
40 Melton Street
London**

Postcode **NW1 2FD**

the number of whose operating licence is **000-001034-N-103643-008**

who applied for an operating licence on **N/A**

has made an application for a **Betting (Other) Premises Licence**

The application relates to the following premises

**Paddy Power
620 Roman Road
London
E3 2RW**

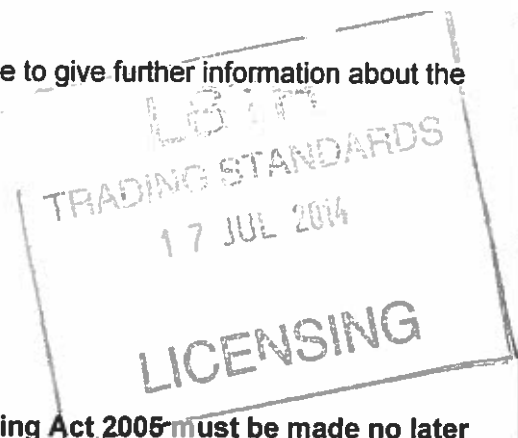
The application for a premises licence has been made to the following licensing authority:

**Licensing Department
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
E14 1BY
Website: www.towerhamlets.gov.uk**

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

**Richard Bradley
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS
0115 948 7424
r.bradley@popall.co.uk**



Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date **14th August 2014**

Gambling Act 2005

THE OBJECTIVES UNDER THE ACT 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**

Gambling Act 2005

Objective 1

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- We have adopted and complied with the guidelines produced by the Association of British Bookmakers (ABB) in relation to the Proceeds of Crime Act 2002 (POCA) .
- If we suspect anyone of using our premises for the furtherance of criminal activity (for instance drug dealing, using counterfeit money, selling suspected stolen property and criminal damage) we will contact the police immediately, report to our UK Head of Security and record the instance in the shop log.
- We exercise considerable caution when approached by a customer unknown to us who wants to place a significant bet.
- We at Paddy Power are also aware of the need to notify the Gambling Commission should we suspect anyone, including our own staff, of committing an offence under the Act.
- All of our shops have digital CCTV installed. We have upgraded all of our existing shops to a remote system (completed end 2009) with virtually every area of the customer area supervised.
- We have a full time Head of Security / Money Laundering Officer heading a security team monitoring staff / customer activity.

Gambling Act 2005

Objective 2

Ensuring that gambling is conducted in a fair and open way.

- A copy of our current betting rules is prominently displayed in each of our offices.
- We encourage shop teams / district managers to use positive discretion to resolve customer issues at a local level – we are very proud of the fact that very few issues are escalated beyond this stage.
- Where a customer dispute cannot be resolved satisfactorily we encourage reference to IBAS.
- We will always abide by any decision made by IBAS.
- Our shop staff receive ongoing / refresher training which we believe to be essential in ensuring that any possible issues are addressed at bet acceptance stage.

Gambling Act 2005

Objective 3

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

- All our staff receive ongoing extensive training on social responsibility.
- The protection of the vulnerable is at the heart of all new employees' induction training regardless of whether they are experienced or not
- Under 18 notices are prominently displayed in each of our offices.
- All staff will require sight of a photographic form of identity if they suspect a customer to be under age – all such instances are recorded in the shop log.
- We prominently display leaflets and posters giving information on Gamcare services together with contact details.
- We operate a self exclusion policy whereby customers complete an exclusion form together with a recent photograph – details are circulated to all nearby Paddy Power offices.
- We regularly donate to The Responsibility in Gambling Trust (RIGT).
- Our shops are designed, wherever possible, to allow direct supervision by staff of the FOBT terminals. FOBTs are monitored by CCTV.

I, Richard Bradley in the firm of Messrs. Poppleston Allen, Solicitors of 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS refer to the following:-

1. Letter to London Borough of Tower Hamlets dated 17th July 2014
2. Application form
3. Notice of application
4. Two copies of the plan of the proposed premises: Drawing Number 13674-04.
5. One copy of the plan of the proposed premises Drawing Number 13674-05 for illustrative purposes only
6. Copy of the Licensing Objectives and how Paddy Power approaches the same
7. Cheque in the sum of £3000

I FURTHER CERTIFY that I have served documents 1 – 7 upon the following:-

1. Licensing Department,
London Borough of Tower Hamlets,
Mulberry Place (AH),
PO Box 55739,
5 Clove Crescent,
E14 2BG

I FURTHER CERTIFY that I have served a true copy of documents 1 & 3 upon the following:-

2. Metropolitan Police Service, Licensing Unit, Limehouse Police Station, 27 West India Dock Road, London, E14 8EZ
3. HM Revenue and Customs, NRU (Betting and Gaming), Portcullis House, 21 India Street, Glasgow, G2 4PZ
4. London Fire Brigade Authority, Fire Safety Regulation : North East Area 2, London Fire Brigade, 169 Union Street, London , SE1 0LL
5. The Gambling Commission, 4th Floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP
6. Child Protection Department, CPRS Unit, 2nd Floor, Mulberry Place, 5 Clove Crescent, London, E14 2BG
7. Planning Department, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London, E14 2BG
8. Environmental Protection, London Borough of Tower Hamlets, Administration Team, Mulberry Place (AH), PO BOX 55739, 5 Clove Street, E14 2BG

I effected service by sending the said documents to the Licensing Department by Special Delivery and the other authorities by first class post addressed to them on 17 July 2014.

SIGNED .....

DATED:17/7/14.....

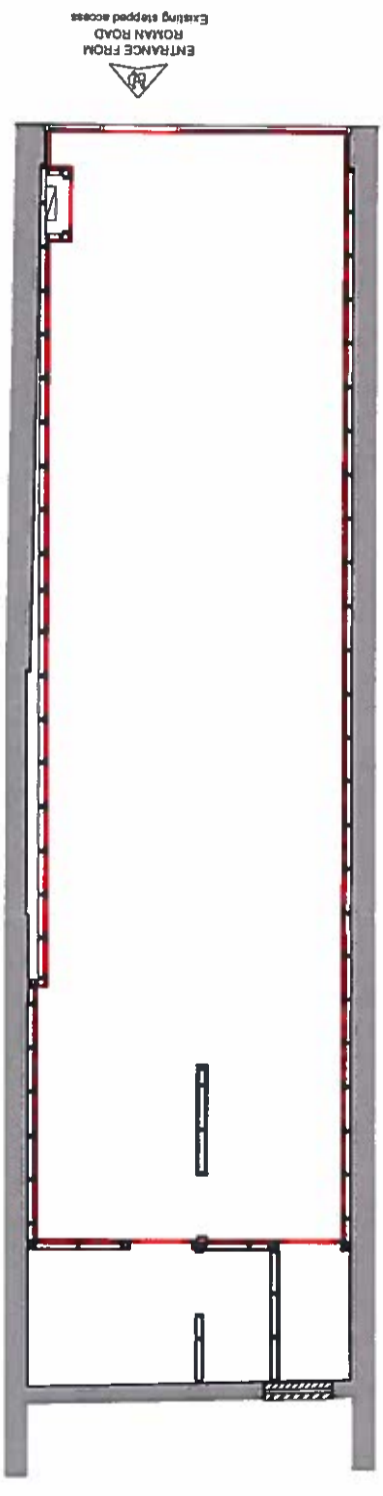
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 MUST BE CHECKED ON SITE PRIOR TO CONSTRUCTION AND ANY DISCREPANCIES
 NOTIFIED IMMEDIATELY.
 ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH CONTRACT STRUCTURAL
 ENGINEERS, ENERGY CONSULTANTS, ETC. DESIGN CALCULATION SHEETS,
 SPECIFICATIONS AND DRAWINGS PLUS ANY ACCOMPANYING PRODUCT
 LITERATURE, ACCESSORIES DETAILS ETC.



Paddy Power plc

- Line indicates approximate boundary lines
- Line indicates hidden or high level elements
- Hatching indicates new brick walls/foundations
- Hatching indicates new 75 block work walls/fills
- Hatching indicates new 3.5M block work walls/fills
- Hatching indicates new brick work walls/fills
- Hatching indicates new foundations

Hatching indicates existing walls, floors, ceilings, etc.
 are void construction, all other walls, floors, ceilings,
 etc. appear to be timber or metal. Further review on
 site investigation required following step out process



LICENCE PLAN
SCALE 1:50

The area within the 'red' line is the location and extent of the premises which will be used to provide facilities for gambling



SITE LOCATION PLAN
SCALE 1:1250



Rev: Amendment: Date:



Client:	PADDY POWER PLC
Project:	NEW BOOKMAKERS 620 ROMAN ROAD LONDON, E3 2RW
Title:	LICENCE PLAN

Drawn by: AG Date: 07-03-14
 Checked by: DO
 Scale @ A1: 1:50/1:250 Dwg. No.: 13874-04

Brookway House, 74-78 Brookway,
 Leigh-on-Sea, Essex, S88 1AE
 Tel: 01702 714877
 Fax: 01702 471745
 8 Atlantic Square, Station Road,
 Wivenhoe, Essex, CM8 2TL
 Tel: 01378 519517
 Fax: 01378 519540



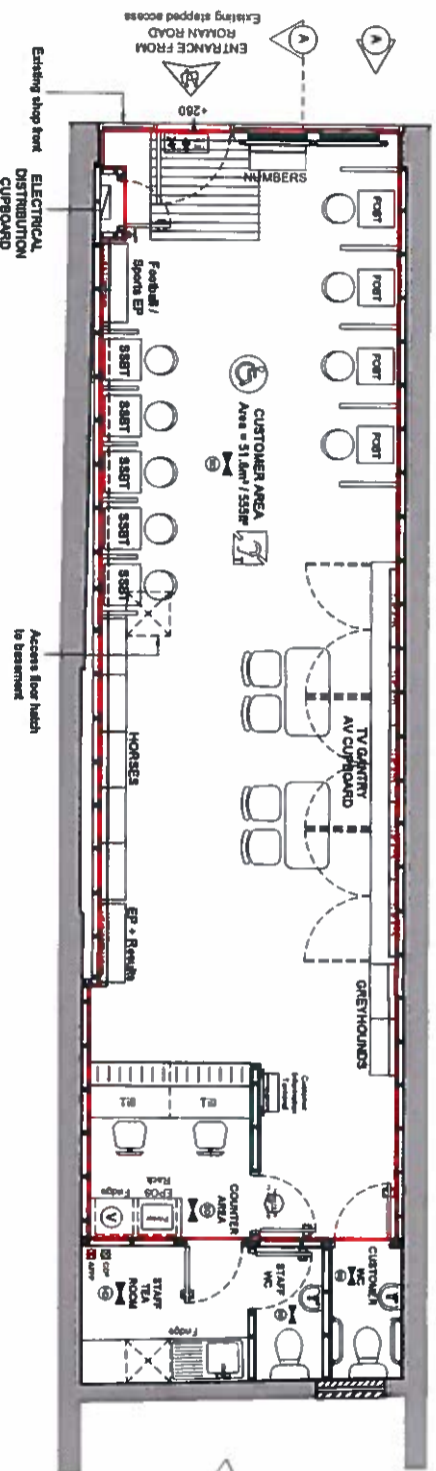
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ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH CONSULTANT'S STRUCTURAL DRAWINGS AND ELECTRICAL CONSULTANT'S ELECTRICAL DRAWINGS. THE PRACTICE AND DIMENSIONS PLUS ANY ACCOMPANYING PRODUCT SPECIFICATIONS AND DRAWINGS PLUS ANY ACCOMPANYING PRODUCT LITERATURE, ACCEPTED DETAIL, ETC.

0 10
A1 SHEET
SHEET AND CURTAIN WALLS PRINTED TO THE CORRECT SIZE THIS LINE SHOULD BE TAKEN INTO ACCOUNT

Paddy Power plc

- Line indicates approximate boundary line
- Line indicates hidden or high level elements
- Line indicates hidden or high level elements
- Hatching indicates new timber wall/partitions
- Hatching indicates new 750 block wall
- Hatching indicates new 750 block wall
- Hatching indicates new 3.5M block work walls
- Hatching indicates new brick work walls
- Hatching indicates new insulation
- Hatching indicates existing walls, floors, ceiling, etc. to be retained, all other walls, floors, ceiling, etc. to be removed
- Site investigation required following step out process



Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the licence

SCALE 1:50

SYMBOL	DESCRIPTION
(Symbol)	EXISTING SHOP FRONT
(Symbol)	ELECTRICAL DISTRIBUTION CUPBOARD
(Symbol)	ACCESS FLOOR HATCH TO BASEMENT
(Symbol)	EXISTING STEPPED ACCESS
(Symbol)	ENTRANCE FROM ROMAN ROAD
(Symbol)	LEVEL +250
(Symbol)	NUMBERS
(Symbol)	CUSTOMER AREA Area = 51.5m² / 555ft²
(Symbol)	TV/QUINTY AV CUPBOARD
(Symbol)	GREYHOUNDS
(Symbol)	COMPUTER AREA
(Symbol)	STAFF WC
(Symbol)	KITCHEN
(Symbol)	EXISTING SHOP FRONT
(Symbol)	ELECTRICAL DISTRIBUTION CUPBOARD
(Symbol)	ACCESS FLOOR HATCH TO BASEMENT
(Symbol)	EXISTING STEPPED ACCESS
(Symbol)	ENTRANCE FROM ROMAN ROAD
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(Symbol)	CUSTOMER AREA Area = 51.5m² / 555ft²
(Symbol)	TV/QUINTY AV CUPBOARD
(Symbol)	GREYHOUNDS
(Symbol)	COMPUTER AREA
(Symbol)	STAFF WC
(Symbol)	KITCHEN



SITE LOCATION PLAN
SCALE 1:1250

- MINIMUM SECURITY PROVISIONS**
1. CCTV
 - DIGITAL COLOUR SYSTEM WITH SUFFICIENT NUMBER OF CAMERAS TO COVER ALL AREAS INCLUDING COVER FRONT DOOR CAMERA
 - IMAGES RECORDED AND KEPT FOR A MINIMUM OF 31 DAYS
 - IMAGES ARE ACCESSIBLE CENTRALLY FOR IMMEDIATE DOWNLOAD DURING OFFICE HOURS AND AVAILABLE TO THE POLICE UPON REQUEST
 2. SAFE WITH TIME DELAY INSERT
 3. CENTRAL STATION MONITORED PREMISES ALARM SYSTEM INCORPORATING SILENT STAFF-ACTIVATED PANE BUTTONS
 4. ELECTRONICALLY CONTROLLED ACCESS TO PUBLIC TOILETS



Rev: Amendment: Date:



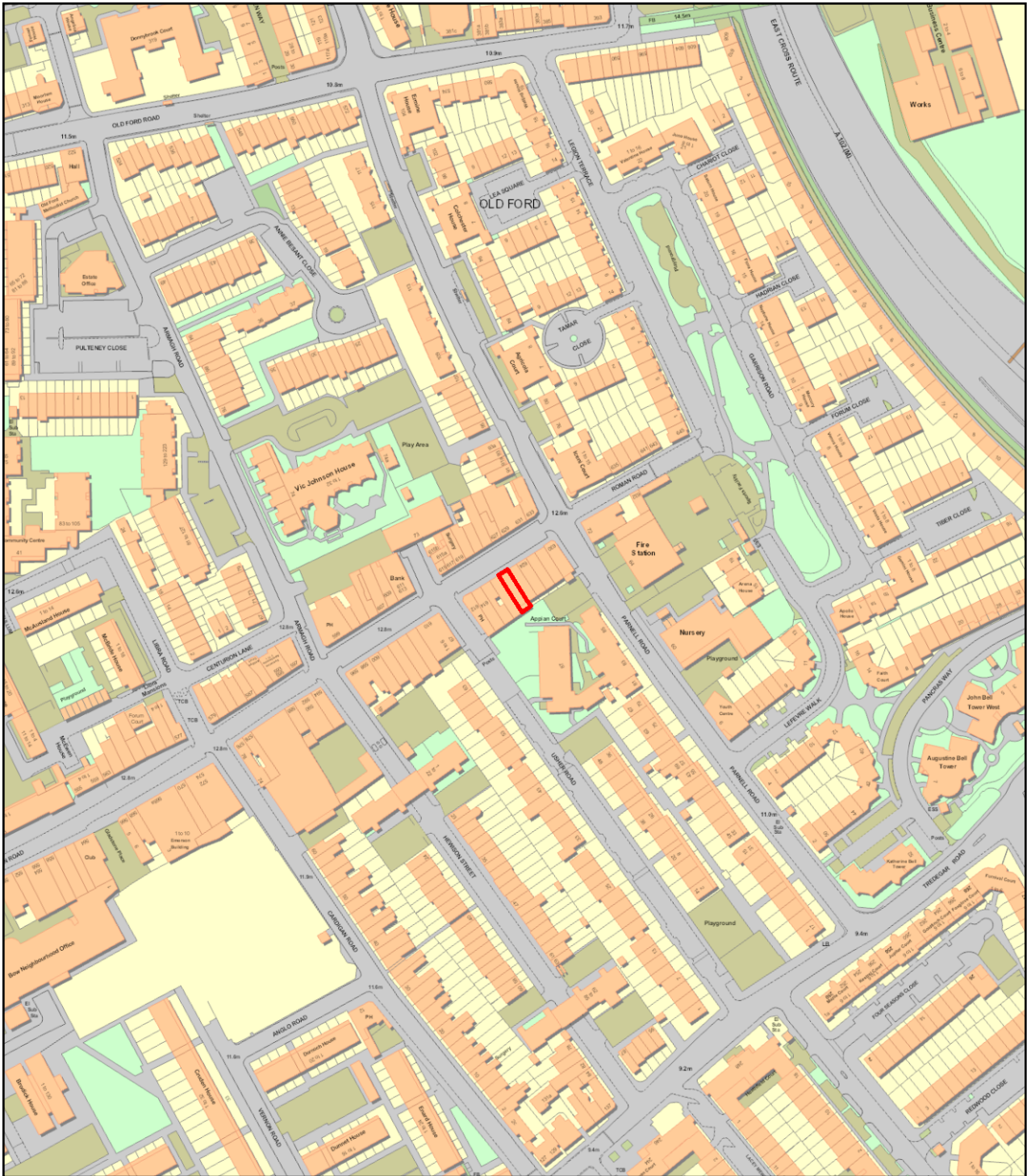
Client: PADDY POWER PLC
Project: NEW BOOKMAKERS
620 ROMAN ROAD
LONDON, E32RW

Drawn by: AG Date: 07-03-14
Checked by: DO
Scale @ A1: 1:50/1:250 Dwg. No.: 13874-05

Broadway House, 71-73 Broadway,
Leigh-on-Sea, Essex, S39 7AE
Tel: 01702 714877
Fax: 01702 471745
9 Atlantic Square, Station Road,
Waltham Cross, Essex, S48 2TL
Tel: 01702 618517
Fax: 01706 519540



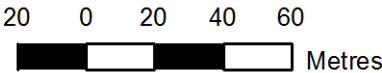
Appendix 2



620 Roman Road



Scale 1:2690



TOWER HAMLETS

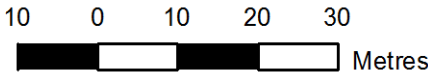
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620 Roman Road



Scale 1:1153



Appendix 3

RORP

ROMAN ROAD LONDON

TOWN TEAM

Roman Road Town Team

Licensing Department
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 1BY
licensing@towerhamlets.gov.uk

13 August 2014

We are writing to OBJECT to the application for a betting premises licence at 620 Roman Road.

The Roman Road Town Team is a community group representing the local residents and businesses of Roman Road, Roman Road Market and Bow. We are a non-profit Community Interest Group (CIG) made up of volunteers united in the same vision to encourage a thriving high street on Roman Road, E3.

We would like to object to the application predominantly on the grounds that it is not likely to meet the licensing objective of protecting children and other vulnerable people from being harmed or exploited by gambling, but also because we are concerned it may not meet the licensing objective of preventing gambling being a source of crime and disorder.

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

We note that the Licensing Authority's Statement of Gambling Policy (adopted in November 2013) says:

3.2 It is the licensing authorities' view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. 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.

We would point out that 620 Roman Road is extremely close to two such educational establishments, namely Overland Children's Centre, 60 Parnell Road (341ft/104m away), and Eastside Youth Centre, 6 Parnell Road (466ft/142m away). Its proximity to Eastside Youth Centre, which attracts teenagers from across the area (most of whom would travel along Roman Road, past the proposed betting shop at 620 Roman Road) would be particularly problematic, given the age and consequent vulnerability of its users.

RORP

ROMAN ROAD LONDON

TOWN TEAM

Bow Haven, a user-led Mental Health Centre is also situated on William Place, Roman Road – 0.2miles/321metres from 620 Roman Road – attracting 100 users with a range of mental health issues, including compulsive behaviours. The proximity of a betting shop to the centre would put at risk its vulnerable users.

We also note that the Roman Road East district centre already has five existing betting shops (Coral on the corner of Usher Road, William Hill near Cardigan Road, Ladbrokes by Ewart Place, Betfred by Dane Place, and a second Coral by Ellesmere Road). We believe that this is more than can reasonably be supported by the small catchment area of the Roman Road East district centre (essentially the two wards of Bow East and Bow West) and that a sixth betting shop could result in a level of competition that may result in children or vulnerable people being drawn into gambling.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

We note that the Licensing Authority's Statement of Gambling Policy says:

5.2 The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

We would point out that this end of Roman Road has a long-acknowledged problem with gang crime, particularly by the Bow Bloodshedders. An 18-year old was fatally stabbed and a 17 year-old seriously wounded on Parnell Road in gang-related violence in 2010. This known level of organised gang-crime in the immediately vicinity of 620 Roman Road makes it possible that the crime and anti-social behaviour objective will not be upheld.

As a result of all of these factors, the Roman Road Town Team **OBJECTS** to this application and asks that the Licensing Authority **REFUSES** it.

Yours faithfully

The Roman Road Town Team

Appendix 4

Gambling Commission Advice on Moral Objections

5.28 In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met. Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.

This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

Appendix 5

Gambling Commission advice on the Principles to be applied when considering applications

Part 5: Principles to be applied by licensing authorities in Exercising their Functions

- 5.1** In exercising most of their functions under the 2005 Act, licensing authorities must have regard to the licensing objectives set out in section 1 of the Act. In particular, licensing authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits. Those 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.
- 5.2** In considering applications, licensing authorities in England and Wales should take particular care to bear in mind that these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.
- 5.3** Similarly in Scotland the licensing objectives for the Licensing (Scotland) Act 2005 are different. In particular the Gambling Act does not include the objectives of preventing public nuisance and protecting and improving public health.
- 5.4** Section 153 of the Act provides that in exercising its functions under Part 8 of the Act (premises licensing and provisional statements), a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:
- (a) in accordance with any relevant code of practice under section 24 (i.e. such as that found within the Commission's *Licence Conditions and Codes of Practice* (LCCP))
 - (b) in accordance with any relevant guidance issued by the Commission under section 25 (ie this document)
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
 - (d) in accordance with the Licensing Authority Statement of Policy (subject to (a) and (c) above). (See part 6 of this Guidance.)
- 5.5** Section 153 applies not only to a licensing authority's relevant functions under Part 8 of the Act (ie applications for the grant, transfer, reinstatement or review of premises licences and provisional statements) but also when it is deciding whether to give a counter notice on receipt of a temporary use notice. Its effect is that, whilst in such circumstances there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with the guidance contained in this document, any relevant Commission code of practice and its own statement of licensing policy as well as reasonably consistent with the licensing objectives. In reaching a view that the grant of a licence, or the giving of the temporary use notice, is in accordance with such guidance, code of practice or policy statement, a licensing authority is, in common with all such public authority decision makers, under a duty to act fairly and rationally. In cases where an authority is concerned whether a grant would be in accordance with, for example, the guidance in this document, this can be resolved by the imposition of appropriate licence conditions. In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or this Guidance and its own policy statement or view as to the application of the licensing objectives the structure of section 153 makes it plain that the Commission's codes and Guidance take precedence.

- 5.6** Section 153 also 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.
- 5.7** The requirements in section 153 are subject to the licensing authority's power (under section 166) to resolve not to issue casino premises licences. This means that a resolution not to issue a casino premises licence applies regardless of the matters set out in section 153.
- 5.8** It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.

Appendix 6

Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime

- 5.9** The Commission play a leading role in preventing gambling from being a source of crime. It will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities. The Act provides the Commission with powers to investigate the suitability of applicants for operating and personal licences, and others relevant to the application. This will provide the Commission with the power to make enquiries about and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the Commission will, in particular, take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.
- 5.10** As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.
- 5.11** Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.
- 5.12** A licensing authority will need to consider questions raised by the location of gambling premises when:
- formulating its Licensing Authority Statement of Policy
 - receiving relevant representations to an application
 - dealing with applications as a responsible authority in its own right
 - considering applications before it.
- 5.13** Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Although if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)
- 5.14** Local authorities are experienced in making judgements in relation to the suitability of premises, particularly those for which they have responsibilities under the Licensing Act 2003, in which context they have wider powers to also take into account measures to prevent nuisance.
- 5.15** In relation to preventing disorder, licensing authorities have the ability under section 169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in section 178 of the Act. If a person employed on door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence. Further information on conditions can be found in part 9 of this Guidance.

5.16 Local authorities should note that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.

Appendix 7

Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way

- 5.17** The Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry
 - easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted
 - the rules are fair
 - advertising is not misleading
 - the results of events and competitions on which commercial gambling takes place are made public
 - machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.
- 5.18** Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. (However, if licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.)
- 5.19** In relation to the licensing of tracks the licensing authority's role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Please see part 20 of this Guidance for more information.

Appendix 8

Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling

- 5.20** With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to protecting children from being 'harmed or exploited by gambling'. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.
- 5.21** In relation to casinos, the Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by section 176 of the Act. The code of practice is available as part of the *Licence Conditions and Codes of Practice (LCCP)* on the Commission website¹. In accordance with that section, adherence to the code will be a condition of the premises licence. (Please see part 9 of this Guidance for more information.)
- 5.22** The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.
- 5.23** Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

Appendix 9

Gambling Commission Advice on Premises Licences

- 7.1** Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.
- 7.2** Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.
- 7.3** The Act contains no rules about cases where premises lie within more than one authority's area. Such cases are likely to be rare. The Commission would expect an applicant to apply to the licensing authority in whose area the greater or greatest part of the premises is situated. If another authority receives an application it should discuss with the applicant and the neighbouring authority as to which is the appropriate authority. Ultimately, there is nothing in the Act giving an authority the right to turn down an application because it is responsible for a smaller area of the premises than another authority. However, in such circumstances, the other authority will be a 'responsible authority' in relation to the premises (see part 8 of this guidance), and will be able to give a view on the application through these channels. Note, this is not the same as the Licensing Act where an application must be made to the authority in which the greater part of the premises is situated.
- 7.4** Where the premises are located in two or more areas (equally or otherwise), ultimately the applicant may choose which licensing authority to apply to. In the rare cases where such premises exist, it will be important that the licensing authorities concerned maintain close contact about the grant of the premises licence, and subsequent compliance (including inspection powers) and other licensing functions. The licensing authority to which the premises licence application was made will have jurisdiction and the other(s) will need to pass relevant information about the premises to it.

Primary gambling activity

- 7.5** In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- (a) casino premises
 - (b) bingo premises
 - (c) betting premises, including tracks and premises used by betting intermediaries
 - (d) adult gaming centre premises (for category B3, B4, C and D machines)
 - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).
- 7.6** By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not 2005 Act casinos) and betting premises licences. The latest issue of the *Licence Conditions and Codes of Practice* sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

- 7.7** From time to time, the Commission publishes advice notes which whilst they are not legally binding are designed to assist in the understanding of matters such as primary gambling activity. These are updated in light of experience and innovation. Reference to them may assist licensing authorities in establishing compliance with primary gambling activity requirements.
- 7.8** Please see part 16 of this Guidance for more information about gaming machine categories.

Meaning of premises

- 7.13** In the Act, 'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 7.14** In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
- 7.15** We recognise that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence with, for example, the machine entitlements that brings and are not an artificially created part of what is readily identifiable as a single premises.
- 7.16** The Act sets out that the type and number of higher stake gaming machines allowable in premises is restricted according to the type of premises licence or permit granted. For example, a converted casino licence allows for 20 gaming machines in categories B, C or D. With the exception of AGCs and FECs, premises are not permitted to be used exclusively for making available gaming machines, but rather to provide the gaming facilities corresponding to the premises licence type. The licence Conditions and Codes of Practice (LCCP), sets out in full the requirements on operators. The latest version of the LCCP can be found on the Commission's website.
- 7.17** With the exception of bingo clubs, tracks on race-days and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
- 7.18** Licensing authorities should take particular care in considering applications for multiple premises 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 of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or loosely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

7.19 In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case, these may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

7.20 Where more than one premises licence is permitted within a building the gaming machine entitlement for the separately licensed premises may not be aggregated and no more than the permitted number and category of machines for the relevant type of premises may be placed in any one of the individual sets of premises within the building.

7.21 The proper application of section 152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

Division of premises and access between premises

7.22 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. For casinos, bearing in mind the wide definition of a street, access might be from a foyer or other area which the public might enter for purposes other than gambling. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available. Licensing authorities should, in particular, remember that where they have concerns about the use of premises for gambling, these may be addressed through licence conditions.

7.23 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations² set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to

those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into family entertainment centres, tracks, pubs and some bingo clubs. So access is allowed between these types of premises.

- 7.24** It should be noted that the Gambling Act 2005 (Mandatory and Default Conditions) Regulations define street as 'including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not'. This is to allow access, for example, to casinos from hotel foyers.
- 7.25** There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or cafe), which the public go to for purposes other than gambling, for there to be shown to be no direct access.
- 7.26** The relevant access provisions for each premises type is as follows:
- Casinos**
- the principal entrance to the premises must be from a street (as defined above)
 - no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
 - no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
- Adult gaming centres**
- no customer must be able to access the premises directly from any other licensed gambling premises.
- Betting shops**
- access must be from a street (as defined above) or from other premises with a betting premises licence
 - no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
- Tracks**
- no customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre.
- Bingo premises**
- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.
- Family entertainment centres**
- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.

Management of areas where category B and C gaming machines are located in premises that admit children and young people

7.27 According to mandatory and default conditions relating to premises that admit under 18s, any area where category B and C gaming machines are located must be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised (see below) at all times to ensure that under-18s do not enter the area
- arranged in a way that ensures that all parts of the area can be observed
- supervised either by:
 - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas.

A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.

7.28 There are a range of other conditions which attach to each type of premises. These are not covered in this section, but are set out in part 9 and the parts of this document relating to each type of premises.

Appendix 10

Gambling Commission Advice on Betting Premises

Part 19: Betting premises

- 19.1** The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing. This part of the Guidance discusses off-course betting, that is, betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are discussed in part 20 of this Guidance. Please note that there are also betting offices on tracks, that have a separate premises licence from the track licence. Those are also discussed in part 20 of this Guidance.
- 19.2** The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- 19.3** Under the Gambling Act, licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in part 7 of this Guidance.

Protection of children and young persons

- 19.4** Children and young persons are not able to enter premises with a betting premises licence, although exemptions apply to tracks, as explained in part 20 of this Guidance. Children and young persons are not allowed to be employed at premises with a betting premises licence..

Betting premises licence conditions

- 19.5** Part 9 of this Guidance discusses the conditions that may or may not be attached to premises licences, and those that are attached automatically. The Secretary of State and Scottish Ministers have set out in regulations the conditions relating specifically to betting premises. The paragraphs below discuss these conditions, both mandatory – those that must be attached to betting premises; and default – those that will apply unless the licensing authority chooses to exclude them using its powers under section 169.

Mandatory conditions attaching to betting premises licences

- 19.6** A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- 19.7** There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).

- 19.8** Any automated telling machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- 19.9** No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
- information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
 - information relating to betting (including results) on any event in connection with which bets may have been effected on the premises.

Betting operator-owned TV channels are permitted.

- 19.10** No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within paragraph 19.9 or machines which do not come within the categories of machine explicitly allowed in betting premises under section 172(8) of the Act.
- 19.11** The consumption of alcohol on the premises is prohibited.
- 19.12** The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- 19.13** A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

Default conditions attaching to betting premises licences

- 19.14** Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

Gaming machines

- 19.15** Section 172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines. See part 16 of this Guidance for information on gaming machines.

Betting machines (bet receipt terminals)

- 19.16** Section 235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These 'betting machines' are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely automate the process that can be conducted in person and therefore do not require regulation as a gaming machine.
- 19.17** However, where a machine is made available to take bets on virtual races (that is, images generated by computer to resemble races or other events) that machine is a gaming

machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

19.18 Section 181 contains an express power for licensing authorities to restrict the number of

betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

Primary Gambling Activity

- 19.19** It is not permissible for an operator to offer gaming machines on a premises which is licensed for betting but not to offer sufficient facilities for betting. A betting operating licence authorises its holder to ‘provide facilities for betting’ (section 65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for ‘the provision of facilities for betting...’ (section 150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (section 172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.
- 19.20** In the Commission’s view it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Thus, whilst the Commission recognises that betting premises are permitted to offer gaming machines, including B2 gaming machines, the Commission considers that betting should be the primary element of the gambling facilities being offered to customers in such premises. Betting may be provided by way of betting terminals or over a counter (face to face).
- 19.21** Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.
- 19.22** The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators in licence condition 16 and code of practice provision 8.
- 19.23** Should a licensing authority receive an application to vary a premises licence for betting in order to extend the opening hours, the authority should satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is an ancillary to the primary activity of the premises, namely betting..

Appendix 11

London Borough of Tower Hamlets Gambling Policy

Definition of vulnerable person (5.6)

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Appendix 12

London Borough of Tower Hamlets Gambling Policy

12 Betting Premises

12.1 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 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.