

Committee : Licensing Sub-Committee	Date:	Classification: Unclassified	Report No.	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health Commercial Originating Officer: John Cruse Licensing Team Leader	Title: Gambling Act 2005 Application for a new Premises Licence for 576 Mile End Road, London, E3 4PH Ward affected: Mile End East
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1.0 Summary

Applicant Name: Roar Betting Ltd. t/a Roar Betting

Address of Premises: 576 Mile End Road London E3 4PH

Licence sought: New Premises Licence

Representations: Businesses

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		John Cruse 020 7364 5024

3.0 **Background**

- 3.1 This is an application for a new premises licence for 576 Mile End Road London E3 4PH.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the premises as follows:
“Ground floor, self contained shop premises fronting onto Mile End Road just a few doors from mile End Station. There are two floors of offices above the subject premises with an entrance in Eric Street.”
- 3.4 The application is for off-track betting, which is more commonly known as a “Bookies.”
- 3.4 A map showing the relevant premises is included as **Appendix 2**.

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

- 4.1 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 13 December 2006.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 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.
- 4.4 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.

5.0 **Objections**

- 5.1 This hearing is required by the gambling Act 2005 because representations have been made by businesses that have “business interests that might be affected by the authorised activities.”
- 5.2 The objections relate to:
- Preventing gambling from being a source of crime or disorder, or being associated with crime or disorder

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

5.3 The objections are in **Appendices 3 and 4**. In the case of Chrischem UK Ltd. This led to a dialogue with the objector and so both their representations and the communication from the licensing section is enclosed.

5.4 The application was required to be advertised in a local newspaper and by a blue poster.

5.5 The licensing objectives are:

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

Members may care to note that a moral objection to gambling is not relevant to the decision making process.

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

6.0 Licensing Officer Comments

6.1 The Licensing Section is also a responsible authority but does not wish to make any representations. 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.

6.2 Guidance issued to Licensing Authorities by the Gambling Commission

- 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 Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling (**Appendix 7**)
- Gambling Commission Advice on Moral Objections (**Appendix 8**)
- Gambling Commission Advice on Premises Licences (**Appendix 9**)

- Gambling Commission Advice on Off-track Betting (**Appendix 10**)

6.3 The Gambling Policy of the London Borough of Tower Hamlets

- London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (1.46) (**Appendix 11**)
- London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises (**Appendix 12**)

6.4 There are mandatory conditions which must apply to this application (these are explained in (**Appendix 10**). There are also default conditions, which will apply in this case as no dis-application has been made by the applicant. This concerns hours, and again see **Appendix 10**.

7.0 **Legal Comments**

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

8.0 **Finance Comments**

8.1 There are no financial implications in this report.

9.0 **Appendices**

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Representation from William Hill Organisation Ltd.
- Appendix 4** Representation from Chrischem UK Ltd. (inc all correspondence)
- 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 Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Appendix 8** Gambling Commission Advice on Moral Objections

- Appendix 9** Gambling Commission Advice on Premises Licences
- Appendix 10** Gambling Commission Advice on Off-track Betting
- Appendix 11** London Borough of Tower Hamlets Gambling Policy
Definition of vulnerable person (1.46)
- Appendix 12** London Borough of Tower Hamlets Gambling Policy
relating to betting machines on betting premises

Appendix 1

**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 Large Casino Small Casino
Bingo Adult Gaming Centre Family Entertainment Centre
Betting (Track) Betting (Other)

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):

- 5 JUN 2008

LICENSING

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".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: ROAR BETTING LIMITED t/a Roar Betting
[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:

25a Bassein Park Road
London

Postcode: W12 9RN

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

000-002959-N-103717-002

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:

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): Roar Betting

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

576 Mile End Road
London

Postcode: E3 4PH

12. Telephone number at premises (if known): Not Known

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.

Ground floor, self contained shop premises fronting onto Mile End Road just a few doors from Mile End station. There are two floors of offices above the subject premises with an entrance in Eric St

14(a) Are the premises situated in more than one licensing authority area?

No *[delete as appropriate]*

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:**

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 *[delete as appropriate]* *[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	<i>hh:mm</i>	<i>hh:mm</i>	
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:

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 ~~[delete as appropriate]~~

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? No ~~[delete as appropriate]~~

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

20. Please set out any other matters which you consider to be relevant to your application:

Please see attached document

Part 6 – Declarations and Checklist (Please tick)

I/ ~~We~~ confirm that, to the best of my/ ~~our~~ knowledge, the information contained in this application is true. I/ ~~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.

I/ ~~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
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ 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: DAVID HATT

Date: 05/06/2008 (dd/mm/yyyy) Capacity: COMMERCIAL DIRECTOR

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: (dd/mm/yyyy) 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:

DAVID HATT

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

Mobile - 07932 563735

24. Postal address for correspondence associated with this application:

19 Central Circus
Hendon
London

Postcode: NW4 3AS

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:

dave@roarbetting.com

NOTICE OF APPLICATION FOR A PREMISES LICENCE [Form B]

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

Notice is hereby given that the persons or organisations whose details are given in the Schedule to this notice have made application for a Betting [other] Premises Licence.

The application relates to the following premises:

ROAR BETTING
576 MILE END ROAD
LONDON
E3 4PH

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

THE LONDON BOROUGH OF TOWER HAMLETS
LICENSING SECTION
ANCHORAGE HOUSE
5 CLOVE CRESCENT
LONDON
E14 1BY

contact 020 7364 5024 / john.cruse@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:

David Hatt
Commercial Director Mobile 07932 563735 / Email dave@roarbetting.com
Roar Betting

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date: 4th July 2008

Schedule of Applicants

The persons or organisations making the application are as follows:

Name of 1st Applicant:

ROAR BETTING LIMITED [t/a Roar Betting]

Address of 1st Applicant:

25a BASSEIN PARK ROAD
LONDON
W12 9RN

The number of the operating licence held by the 1st Applicant is:

000-002959-N-103717-002

Name of 2nd Applicant:

N/A

Address of 2nd Applicant:

N/A

The number of the operating licence held by the 2nd Applicant is:

N/A

Appendix 2

Map



Scale 1:1228

Map of:

Site Plan

Notes:

576 Mile End Road

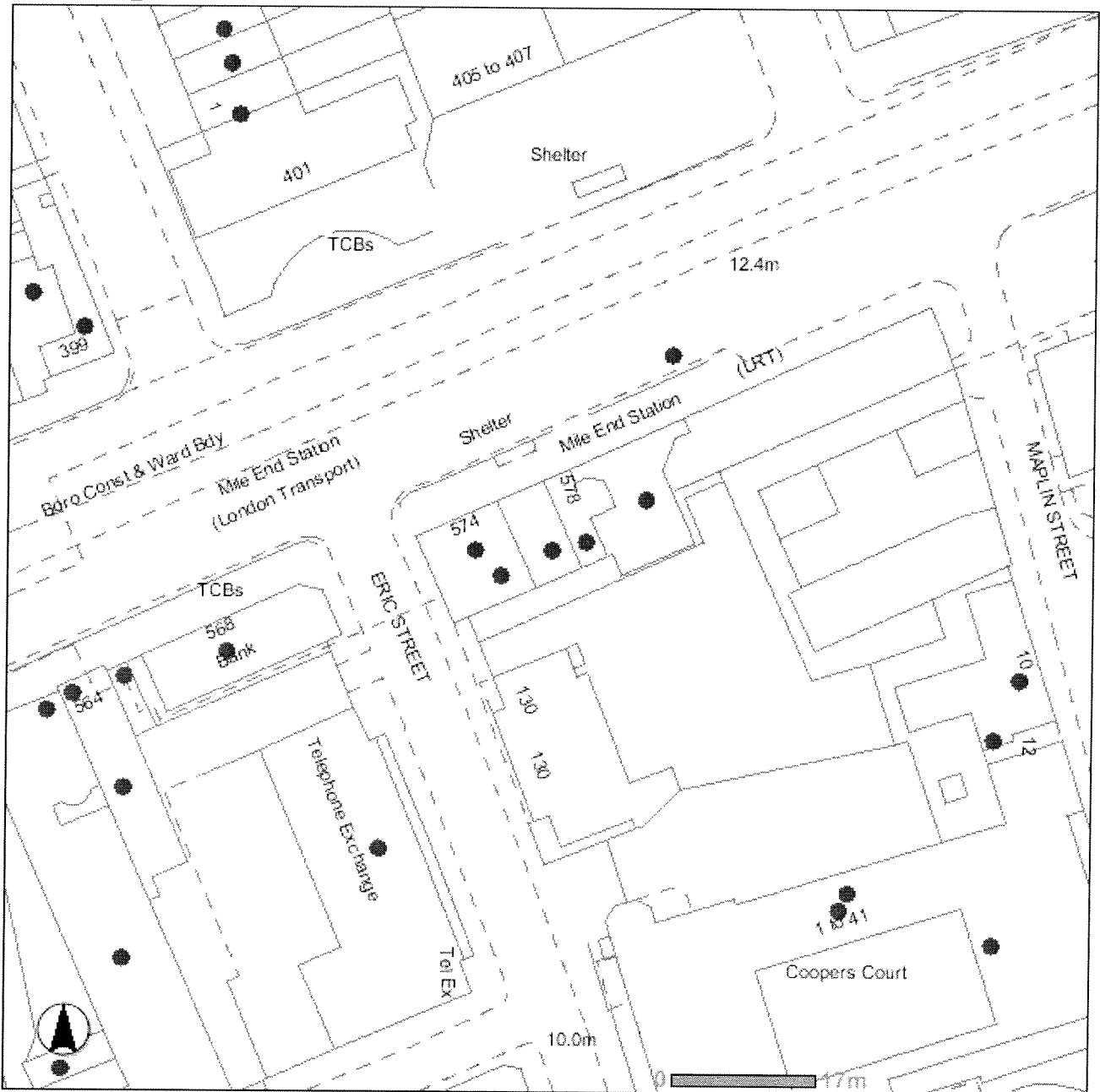
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Map



Scale 1:750

Map of:

Site Plan

Notes:

576 mile End Road

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Appendix 3

Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY

30/06/08

Dear Sir

re: **Gambling Act 2005**
Premises:Roar Betting, 576 Mile End Road, London E3 4PH.

I write on behalf of William Hill Organization Ltd who trade at premises 568 Mile End Road, E3.

Accordingly we have Business interests which may be affected if this application were to be granted. As an interested party William Hill is entitled in accordance with S.158 of the 2005 Act to make representations.

In the betting sector many operators have entered the market using various incentives and inducements to attract business from existing operators and create new customers. These bonuses/concessions are introduced to promote the feeling of low risk gambling.

Roar Betting have targeted areas with established and mature betting markets and have actively promoted their package of bonuses and concessions. If Roar Betting are granted a further licence in Mile End they will provide their package of various incentives and inducements to attract business from existing operators and create new customers.

What the committee must ask itself is would the grant of Roar Betting with their various incentives and inducements have an effect on the vulnerable at this part of Mile End. Paragraph 5.20 in the Guidance to Licensing Authorities 2nd edition provides the closest definition of "vulnerable persons":-

"The Commission will not seek to define "vulnerable persons", but it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means..."

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Betting is a minority activity which will be confirmed by extracts from the Mintel Report. The sub-committee shall then be asked to draw the conclusion that if Roar Betting are granted a licence then only through enhancements and inducements shall they attract the required business. The sub-committee shall then be asked to decide on whether the enhancements and inducements may lead to the vulnerable being affected.

There are further factors which may be relevant to the application such as over-exposure to gambling in this part of Mile End which could happen if another gambling outlet was to open.

Over proliferation which could lead to overexposure is covered at paragraph 7.49 of the guidance to Licensing Authorities which states:-

"Thus, for example, the following examples of possible representations would not be likely to be relevant:

- That there are already too many gambling premises in the locality **(although it may be relevant if it points, as a result, to rising problems in crime, disorder, underage gambling or problem gambling);**

There is nothing in paragraph 7.49 of the Gambling Commission Guidance or indeed in section 153(2) of the Act which would support the contention that the number of facilities offered by existing premises is an irrelevant consideration in the context of considering an application under section 153(1) of the 2005 Act. Section 153(2) does not say that demand for existing premises is an irrelevant consideration. What it provides is that expected demand for the facilities proposed to be provided in the premises for which the application is made is not a relevant consideration.

William Hill will provide to the sub-committee details of the gambling facilities in this part of Mile End. The sub-committee will then have an opportunity based on the numbers to make a finding as to whether the grant of the Roar Betting office may exceed the tipping point and lead to too many gambling premises which could result in a rise in either crime, disorder, underage gambling or problem gambling.

There is nothing in the Gambling Act 2005 which requires William Hill to provide any evidence of risk to the licensing objectives, instead the sub-committees attention shall be drawn to the text "Gambling for Local Authorities" whose editor Philip Kolvin is the chairman of the Institute of Licensing. In the book specific reference is made to a "Statutory Discretion" which allows a sub-committee to take into account other factors when coming to a decision. At paragraph 11.80 it states:-

"However, the expression "aim" sits much less happily in the core discretionary power of a quasi-judicial body. For it is inherent in the concept

of aiming that the party aiming may not always succeed in hitting the target. Parliament could have stated that in certain circumstances the authority "shall permit". That is the course it took recently in relation to the Licensing Act 2003, which provides that absent relevant representations premises licence applications must be granted. There are no fewer than nine conditional "shall grant" provisions in the Gambling Act itself.

The indication which can be drawn from this is that Parliament had it in mind that while compliance with sub-paras (a)-(d) may be powerful factors presuming in favour of grant, they are not conclusive factors and may yield to others. Otherwise, "shall aim" becomes "shall", an expression Parliament has apparently deliberately not used here."

We trust that this letter provides details of the risk to the licensing objectives that this application engenders. In the mean time if you require any further information on this matter please do not hesitate to contact me at the above address or e-mail ndhanjal@williamhill.co.uk, telephone 0208 918 3777.

Yours Sincerely,



Nindi Dhanjal
Development Manager
William Hill

Appendix 4

Mohshin Ali

From: Cokworu@aol.com

Sent: 03 July 2008 13:26

To: Mohshin Ali

Subject: Re: Objection to issuing of premises licence under the gambling act 2005

Dear Sir,

With reference to the above topic, I received your faxed reply for more evidence to support my application for objecting to the issuing of the gambling licence stated above.

I think I am clear enough for the evidence I gave in support of my application. I am a registered Pharmacy in Tower Hamlets and I am supposed to be operating next door to a gambling premises, I suppose you know the dangers involved in that.

Your reference in the case of the gambling premises in 568 mile end road, may not particularly apply to this case.

You must be aware that last year alone there were several robbery incident in that premises as well as violence, the Police should have record of this.

I deal with a lot of addicts, and most of the time they cluster around that premises with their alcohol and you must be well aware of the dangers that could cause in a community Pharmacy environment.

Hoping to hear from you as soon as possible.

Thank for your co-operation.

Chris Okworu MRPS

FAX : 020 8980 6470

Mohshin Ali

From: Mohshin Ali
Sent: 03 July 2008 11:45
To: 'info@chrischem.co.uk'
Cc: John Cruse
Subject: Representation: Roar Betting, 576 Mile End Road, London E3 4PH

Dear Mr Okworu,

Thank you for your letter dated 1st July 2008. In order for us to consider your representation you must explain how your business interest may be affected by the authorised activities and how this relates to the following licensing activities:

- **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, and**
- **protecting children and other vulnerable persons from being harmed or exploited by gambling.**

Please explain why this gambling premises will encourage stealing and violence in your premises or the betting premises. In either case what is the evidence?

As you are aware, there is currently a betting premises at 568 Mile End Road, therefore if a gambling premises causes stealing and violence you can presumably point to current evidence of problems.

Please respond by **4th July 2008**. I look forward to hearing from you.

Regards

Mohshin Ali - Licensing Officer

London Borough of Tower Hamlets Licensing Section Mulberry Place (AH) PO BOX 55739 5 Clove
Crescent London E14 1BY

Tel ☎: 020 7364 5498 | Fax 📠: 020 7364 0863 | E-mail 📧: mohshin.ali@towerhamlets.gov.uk



Chrischem UK Ltd

578 Mile End Road, London E3 4P

020 8980 647

info@chrischem.co.uk

www.chrischem.co.uk

The Licensing Section
Mulbery Place
P.O Box 55739
5 Clove Crescent
E14 1BY

1st July 2008

Dear Sir,

RE: OBJECTION TO ISSUING OF PREMISES LICENCE UNDER THE GAMBLING ACT
2005 TO 576 MILE END ROAD LONDON E3


On behalf of the above named company, I wish to object to the issue of gambling license to the above premises for the following reasons:

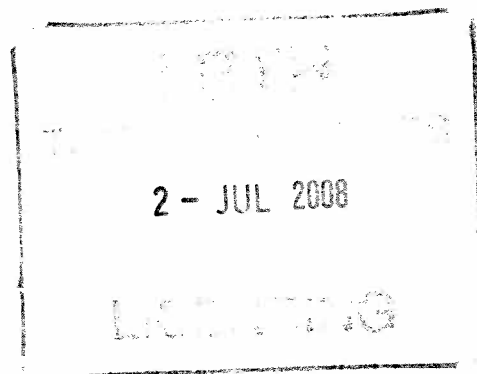
- 1) We operate a pharmacy business which require a calm and refreshing environment for sick patients. The chaos caused by a gambling environment will be detrimental to the health of sick patients and the calm atmosphere required for a pharmacy.
- 2) It will encourage stealing, violence in the premises and this is not consistent considering the security of the type of controlled medication we keep and the care of the patients.
- 3) It will create an environment not conducive to the operating of a pharmacy, considering the fact that we have been operating in this capacity for over 40 years.

I will therefore want you to reconsider the above reasons and reject the issuing of this license for the safety, health, well being of patients in Tower Hamlets and proper functioning of a patient focused community pharmacy

Thank you

Your's Sincerely


C. Okworu MRPS
Managing Director



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. 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; and
- _ 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 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 should *aim to permit the use of premises for gambling in so far as it thinks it:*

- (a) in accordance with any relevant code of practice under section 24;
- (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 paragraphs (a) and (b)); and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)). (See Part 6 of this guidance.)

5.4 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. This is a key difference between the 2005 Act and previous legislation on gaming and betting.

5.5 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.

Appendix 6

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

5.6 The Commission will 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.

5.7 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.

5.8 Licensing authorities will 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.

5.9 A licensing authority will need to consider questions raised by the location of gambling premises when:

- _formulating its statement of licensing policy;
- _receiving relevant representations to an application;
- _dealing with applications as a responsible authority in its own right; and
- _considering applications before it.

5.10 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.)

5.11 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.

5.12 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.

5.13 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.

5.14 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 laws.

Appendix 7

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

5.18 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 talks of 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.

5.19 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* on the Commission website www.gamblingcommission.gov.uk. 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.)

5.20 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission will not seek to define 'vulnerable persons', but it will 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.

5.21 Licensing authorities will need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

draft of the code is available from the Cabinet

Office website www.cabinetoffice.gov.uk. It is intended that the code will be laid before Parliament during autumn 2007, coming into force on 1 April 2008.

Appendix 8

Gambling Commission Advice on Moral Objections

5.26 Local authorities should be aware that moral 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). 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.

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; and 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 (see Annex A).

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.

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 centres (for category B3, B4, C and D machines); and
- (e) family entertainment centres (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 Please see Part 16 of this guidance for more information about gaming machine

Meaning of premises

7.11 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 a pleasure park, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access

between premises are observed.

7.12 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.

7.13 With the exceptions of the non-gambling area of the regional casino, 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 developments.

7.14 Licensing authorities should take particular care in considering applications for multiple 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 that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

_ Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

7.15 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 hall on week days and a betting shop at weekends.

Division of premises and access between premises

7.16 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 available if desired. 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.

7.17 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 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 and another, except between premises which allow access to those under the age of 18. Under-18s can go into family entertainment centres, tracks, pubs and some bingo halls and clubs. So access is allowed between these types of premises only.

7.18 It should be noted that the Mandatory and Default Premises Licence 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.

7.19 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 (eg a street or cafe), which the public go to for purposes other than gambling, for there to be shown to be no direct access.

7.20 The relevant access provisions for each premises type is as follows:

All casinos

- _ the principal entrance to the premises shall be from a street (as defined above);
- _ no entrance to a casino shall be from premises that are used wholly or mainly by children and/or young persons;
- _ no customer shall be able to enter a casino directly from any other premises which holds a gambling premises licence; and
- _ at the regional casino only, there should be an opaque barrier between the gaming area and the parts of the premises where children have access.

Adult gaming centres

- _ no customer shall 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; and
- _ no direct access from a betting shop and another premises used for the retail sale of merchandise or services, ie 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 cafe – the whole area would have to be licensed.

Tracks

- _ no customer shall be able to access the premises directly from
 - a casino; or
 - an adult gaming centre.

Bingo premises

- _ no customer shall access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

Family entertainment centres

- _ no customer shall access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

Appendix 10

Gambling Commission Advice on Off-track Betting

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 is currently 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.

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

19.4 Children and young persons will not be able to enter premises with a betting premises licence, although special rules apply to tracks, as explained in Part 20 of this guidance.

Betting in casinos

19.5 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.

Betting premises licence conditions

19.6 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

19.7 A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted.

19.8 There should 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). In addition, the entrance to a betting shop should be from the street (defined as 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).

19.9 Any 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.

19.10 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 the matter seen or heard is a sporting event and bets may have been affected on

the premises in relation to that event. Betting operator-owned TV channels will be permitted.

19.11 No music, dancing or other entertainment is permitted.

19.12 The consumption of alcohol is prohibited on the premises.

19.13 The only publications that may be sold on the premises are racing periodicals or specialist betting publications.

19.14 Clear and accessible information about the terms on which a bet may be placed

should be displayed in a prominent position on the premises.

Default conditions attaching to betting premises licences

19.15 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

19.16 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)

19.17 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.

19.18 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.

19.19 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.

Appendix 11

London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (1.46)

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

6 Betting Premises

6.1 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.