

Committee: <b>Licensing Sub-Committee</b>	Date: 19 April 2022	Classification: <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b>  <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Gambling Act 2005</b>  <b>Application for a new Premises Licence for an Adult Gaming Centre for Palace Amusements, 450 Bethnal Green Road, London E2 0HG</b>  Ward affected: <b>Bethnal Green West</b>
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## 1.0 Summary

Applicant	<b>East Kent Leasing Limited</b>
Name: Address of Premises:	<b>Palace Amusements 450 Bethnal Green Road London E2 0HG</b>
Licence sought:	<b>New Premises Licence</b> <ul style="list-style-type: none"> <li>• <b>Adult Gaming Centre</b></li> </ul>
Representations:	<b>A Ward Councillor Local residents</b>

## 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
Gambling Commission Guidance File Gambling Policy		Mohshin Ali 020 7364 5498

### 3.0 **Background**

3.1 This is an application for a new Premises Licence for an Adult Gaming Centre for Palace Amusements, 450 Bethnal Green Road, London E2 0HG.

3.2 A copy of the application is enclosed as **Appendix 1**.

3.3 The applicant has submitted a risk assessment and further supporting documents, including offering additional conditions, see **Appendix 2**.

3.4 A map showing the relevant premises is included as **Appendix 3**.

### 4.0 **Premises in the vicinity**

4.1 Cashino, 420 Bethnal Green Road - Adult Gaming Centre

4.2 Admiral, 449-453 Bethnal Green Road - Adult Gaming Centre

4.3 Coral, 333 Bethnal Green Road - Betting Premises Licence

4.4 Paddy Power, 400 Bethnal Green Road - Betting Premises Licence

4.5 Jennings Bet, 448 Bethnal Green Road - Betting Premises Licence

4.6 Betfred, 445-447 Bethnal Green Road - Betting Premises Licence

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

5.1 The Council has adopted a licensing policy in relation to gambling and this is available from the Licensing Section, and at the hearing. The policy is effective from 5<sup>th</sup> December 2019. This policy is being reviewed and it is currently under consultation.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Gambling Commission has issued guidance to Licensing Authorities which will also be available at the hearing. It can also be viewed at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). Relevant Sections can be found within the licensing officer's report.

### 6.0 **Representations**

6.1 This hearing is required by the Gambling Act 2005 because representations have been made by:

- Cllr Kevin Brady - See **Appendix 4**
- Luigi Damato - See **Appendix 5**
- Si Wharton - See **Appendix 6**

6.2 The representations relate to:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

6.3 An interested party is defined as someone who:

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

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

6.5 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

6.6 In addition, no one under the age of 18 is permitted to enter an adult gaming centre. A holder of an Adult Gaming Centre can make category B machines available not exceeding 20% of the total number of gaming machines and any number of category C and D machines.

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

6.8 Members should note that moral objection to gambling is not relevant to the decision making process.

## **7.0 Agreement with responsible authorities**

The applicant has agreed conditions with the Licensing Authority (See **Appendix 7**).

7.1 *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*

7.2 *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff*

*member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*

- 7.3 A Think 25 policy shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
- 7.4 Staff shall have a clear view of the entrance from the sales desk, if one exists, and shall circulate the premises to enable good visibility and supervision of the machines and premises.*
- 7.5 Refresher training shall take place every six months, all training shall be documented, and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.*
- 7.6 A magnetic locking device, commonly referred to as a Maglock shall be installed and maintain on the main entrance/exit to the premises which shall be operated thought out the day by staff at their discretion.*
- 7.7 When the hours are trading between the hours of 22:00 hours and 04:00 hours the entrance will be locked with admittance to the premises only by video and buzzer using the maglock.*
- 7.8 There shall be two or more members of staff on the shop floor when the premises are trading between 22:00 hours and 04.00 Monday to Sunday.*
- 7.9 The licensee shall refuse entry to customers who appear to be under the influence of alcohol or drugs.*
- 7.10 Signage shall be displayed in the front window, informing if they are seen drinking alcohol or taking drugs outside the venue, they will be refused entry.*

## **8.0 Licensing Officer Comments**

- 8.1 The Licensing Section is also a Responsible Authority. The following is intended simply to advise Members of the relevant aspects of the Gambling commission's advice and the Council's Gambling Policy. Members may depart from the advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 8.2 Planning permission would be needed for a change of use before any licence granted could operate.
- 8.3 The Committee can, if it feels minded to compose conditions on the premises licence. Paragraph 9.28 of the guidance states:  
Licensing Authorities should not attach conditions that limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:
- in accordance with the Guidance, the Commissions Codes of practice or their own statement of licensing Policy
  - in a way that is reasonably consistent with the licensing objectives.

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

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

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

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

#### 8.5 Guidance issued to Licensing Authorities by the Gambling Commission

- Gambling Commission Advice on Moral Objections (**Appendix 8**)
- Gambling Commission advice on the Principles to be applied when considering applications (**Appendix 9**)
- Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime (**Appendix 10**)
- Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way (**Appendix 11**)
- Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling (**Appendix 12**)
- Gambling Commission Advice on Premises Licences (**Appendix 13**)
- Gambling Commission Advice on Adult Gaming Centres (**Appendix 14**) there are mandatory conditions which must apply to this application.

#### 8.6 The Gambling Policy of the London Borough of Tower Hamlets

- London Borough of Tower Hamlets Gambling Policy On Children and Vulnerable (**Appendix 15**)
- London Borough of Tower Hamlets Gambling Policy relating to adult gaming centres (**Appendix 16**)

## 9.0 Legal Comments

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

## 10.0 Finance Comments

10.1 There are no financial implications in this report.

## 11.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Risk Assessment & Supporting documents
- Appendix 3** Maps of the area
- Appendix 4** Representation of Cllr Kevin Brady
- Appendix 5** Representation Luigi Damato
- Appendix 6** Representation Si Wharton
- Appendix 7** Applicant's agreement with the Licensing Authority
- Appendix 8** Gambling Commission Advice on Moral Objections
- Appendix 9** Gambling Commission advice on the Principles to be applied when considering applications
- Appendix 10** Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime
- Appendix 11** Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way
- Appendix 12** Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Appendix 13** Gambling Commission Advice on Premises Licences
- Appendix 14** Gambling Commission Advice on Adult Gaming Centres
- Appendix 15** London Borough of Tower Hamlets Gambling Policy On Children and vulnerable
- Appendix 16** London Borough of Tower Hamlets Gambling Policy relating to Adult Gaming Centres