



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (5)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 11th June, 2020**, Please note that this meeting will take place virtually.

**Members Present:** Councillors Murad Gassanly (Chairman), Jim Glen and Maggie Carman

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

Councillor Murad Gassanly declared an interest in respect to Item 1 and advised that he was a former student at the London School of Economics and a member of the University's Alumni.

#### 1 LONDON SCHOOL OF ECONOMICS & POLITICAL SCIENCE, HOUGHTON STREET, LONDON, WC2A 2AE

### LICENSING SUB-COMMITTEE No. 5 *Thursday 11 June 2020*

Membership: Councillor Murad Gassanly (Chairman), Councillor Jim Glen and Councillor Maggie Carman

Legal Adviser: Horatio Chance  
Committee Officer: Georgina Wills  
Policy Officer: Aaron Hardy  
Presenting Officer: Jessica Donovan

#### **Declaration of Interest:**

Councillor Murad Gassanly declared an interest in respect to Item 1 and advised that he was a former student at the London School of Economics and a member of the University's Alumni.

**London School Of Economics & Political Science, Houghton Street**

London, WC2A 2AE

Application for a New Premises Licence [20/01701/LIPN]

**Relevant Representation: Environmental Health**

Present: Philip Somarakis (Legal Representative, London School Of Economics & Political Science), James Hann, (Applicant, Chief Executive, LSE Students Union, London School Of Economics & Political Science), Jacqui Beazley, Head of Catering London School Of Economics & Political Science) and Sally Fabbriatore (Environmental Health)

This is an application by the London School Of Economics & Political Science (LSE) (The Applicant) was seeking a new premises licence for a Higher Education Institute at Houghton Street, London, WC2A 2AE. It is situated within the St James's Ward and is not within one of the Council's Cumulative Impact Areas.

**DECISION**

**The application is granted for the following activities and hours:**

Retail Sale of Alcohol [On sales]

- (1) Grant permission for the retail sale of alcohol on the premises Monday to Saturday from 10:00 hours to 23:00 hours and Sunday from 10:00 hours to 22:30 hours. In addition, twelve 'major events' per year are permitted, as defined below, to include one event each year known as the Summer Ball Event on a Friday or Saturday in May and June until 02:00 hours.

Late Night Refreshment [Indoors and Outdoors]

- (2) Grant permission for Late Night Refreshment for the Summer Ball event until 02:00 hours.

Live Music and Recorded Music [Outdoors]

- (3) Grant permission for Regulated Entertainment both indoors and outdoors including films, plays, live music recorded music, performance of dance and anything similar Monday to Saturday from 10:00 hours to 23:00 hours and Sunday from 10:00 hours to 22:30 hours to include one event each year known as the Summer Ball Event on a Friday or Saturday in May and June until 02:00 hours.
- (4) Confirm that the Hours the Premises shall be open to the public Monday to Sunday shall be 00:00 to 00:00 hours.
- (5) The licence is subject to any relevant mandatory conditions.

(6) The licence is also subject to the conditions as specified below and agreed with the Applicant, Metropolitan Police, Environmental Health and the Covent Garden Community Association which are appropriate and proportionate to promote the licensing objectives.

### **SUBMISSIONS AND REASONS**

The Sub-Committee considered an application by the London School Of Economics & Political Science (The Applicant) for a new premises licence in respect of Houghton Street, London, WC2A 2AE.

The Presenting Officer introduced the application and advised that the Premises currently operates as an University. The Premises is divided into separate areas in relation to the licensable areas and has the benefit of three premises licences. The Applicant sought licensable activities on the premises to allow the sale by retail of alcohol, allow for late night refreshment for one event and to allow the provision of regulated entertainment both indoors and outdoors be carried out at various "small" events within the external area of the London School of Economics campus for students and guests. The majority of activities will cease by 23.00 on Monday to Saturday and 22.30 on Sundays. The applicant had also sought permission for one major event to take place during May or June each year (which was described as the summer ball) and sought an extension of hours until 02.00 on the day following the event for all licensable activities.

The Metropolitan Police had withdrawn their representation following additional Conditions being agreed by the Applicant. The Covent Garden Community Association also withdrew their representation.

Philip Somarakis, the Applicant's Legal Representative advised the Sub-Committee that Conditions which had been proposed by the Responsible Authorities and The Covent Garden Community Association had been agreed by the Applicant. He informed that the nearest sensitive noise receptor was located 75 Meters and was a Public House and that the establishments terminal hour was 23:30. Mr Somarakis advised that neighbouring establishments would be consulted about events. The Oxford City Council's Procedure on overseeing University Summer Balls had been taken into consideration by the Applicant.

James Hann, Chief Executive, LSE Student Union, advised that the London School of Economics was a world-renowned University and that its students came from over 144 countries. The Sub-Committee was advised that it was proposed to host several events for staff, students and guest which included a Summer Ball. The events will be catered to students' preferences and be reflective of their multi-cultural backgrounds. The external licensable area of the campus will solely be used by the University and would not be available for private hire.

Sally Fabbriatore, Environmental Health Officer, confirmed that there had been pre-application advice provided to the Applicant and that representation has been maintained as the hours sought for the Summer Ball was beyond the terminal hour. The Sub-Committee was advised that the proposed location for activities included

areas which were owned by the University and Westminster Council. Ms Fabbricatore commented that the Applicant should be limited to holding one major event which had a terminal hour after 02:00 per year and be Conditioned to only have twelve small events during the same time period. An Event Management Plan should be required for all events in which 500 or above guests will be in attendance.

In response to questions from the Sub-Committee, Mr Hann advised that a Condition which restricts the annual major event (Summer Ball) to be only held on a Friday or Saturday and this be in the month of May or June and that the event terminates at 02:00 would all be accepted.

Having carefully considered the terms of the application and the representations received, both verbally and in writing and on its individual merits the Sub-Committee granted the Application. In determining the Application, the Sub-Committee granted the retail sale of alcohol on the premises on Monday to Saturday from 10:00 hours to 23:00 hours and Sunday from 10:00 hours to 22:30 hours. In addition, twelve 'major events' per year were permitted and this included one event each year known as the 'Summer Ball Event'. The Sub-Committee noted that the Applicant had agreed for the Summer Ball to be held on a Friday or Saturday in either May and June. This Event will take place until 02:00 hours. The Sub-Committee also included the Conditions which had been agreed with the Applicant, Metropolitan Police, Environmental Health and the Covent Garden Community Association. The Sub-Committee was of the opinion that the Conditions imposed on the licence were appropriate and proportionate and would have the overall effect of promoting the licensing objectives and therefore granted the Application accordingly.

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions attached after a hearing by the licensing authority:**

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

10. There shall be no permanent fixed bar/s in the licensed space.

11. The sale of Alcohol shall be ancillary to the main use of the area as an event space used by the London School of Economics.

12. In the licensed space there shall be a maximum of 12 'major events' in any 12-month period. A 'major event' is triggered when any of the following takes place:

- A capacity of over 500 persons
- Temporary structures are present which require Building Control approval
- The music level is audible at the site boundary
- Events that use WCC land

13. A record of these events shall be kept on site for a minimum of one year and be made available for inspection by an authorised officer.
14. Save for the 'major events' no amplified music shall be audible at the site boundary.
15. At a 'major event' the Music Noise Level shall not at 1 metre from the façade of any noise sensitive premises exceed the background noise level by more than 15dB(A) over a 15 minute period throughout the duration of the event.
16. For any event that operates beyond 23:00 hours (with the exception of the Summer Ball where this condition shall apply where the event operates beyond midnight) there shall be no music noise audible within noise sensitive premises with windows open in a typical manner for ventilation.
17. For all major events no music noise shall be audible within noise sensitive premises with windows open in a typical manner for ventilation after 23:00 (save for the Summer Ball where this will apply after 00:00).
18. For a 'major event' unless otherwise agreed, no later than 28 days prior to the event, the Premises Licence holder must ensure an Event Management Plan is presented to the Environmental Health Consultation Team, The Westminster Licensing Police and The City Promotions Events and Filming Team for their comments. The Event Management Plan shall include, as a minimum:
  - i) Emergency and evacuation procedures
  - ii) Crowd management and stewarding arrangements
  - iv) A detailed site plan showing all permanent and temporary structures and all access and egress points
  - v) Capacity at any one time
  - vi) Certificates from competent persons on Structures, Electrical Power Supply and Gas equipment (including LPG)
  - vii) First Aid and Lost Children arrangements
  - viii) Noise Management Plan including details of resident engagement and details of how the low frequency will be controlled
  - ix) Risk Assessments
  - x) A waste management plan
  - xi) Sanitary accommodation
  - xiii) The setup and break down arrangements for the event
  - xiv) The dispersal of customers at the end of the event.
19. For all other events an Event Management Plan detailing the points above shall be written and kept for at least one year and made available to authorised officers if requested.



20. So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.
21. In the licensed space the maximum number of persons accommodated at any one time shall not exceed 1000 persons (as agreed with the District Surveyor).
22. For a 'major event' the Event Manager or his authorised representative shall be responsible for liaising with local residents and organisations to notify them at least 14 days in advance and providing them with a complaints 'hotline' telephone number, for any licensable activity taking place in the licensed space.
23. The licence holder shall ensure that any queue to enter the licensed space which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
24. When temporary seating is provided within the licensed space the following arrangements shall be complied with:
- Where the number of seats exceed 50, seats should be secured together in lengths of not less than 4.
  - Where the number of seats exceed 250, seats should be secured together in rows and fix the ends of the rows to the floor or to each other by using chamfered bars.
  - Where the number of seats exceed 600, fix all seats individually to the floor.
25. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby premises.
29. In the absence of daylight there will be sufficient lighting installed whilst the premises are open to the public.

30. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. There shall be at least one personal licence holder on site during operational hours. Details of the personal licence holder (including name and contact number) shall be displayed in a prominent position on site.
32. No alcohol shall be taken outside of the boundary of the licensable area.
33. No hot food or hot drinks shall be taken off site beyond 23:00 hours.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. A Challenge 25 proof of age scheme 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.
36. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
37. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received concerning crime and disorder
  - iv. any incidents of disorder
  - v. all seizures of drugs or offensive weapons
  - vi. any refusal of the sale of alcohol
  - vii. any formal visit by a relevant authority or emergency service.
38. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.

- real flame.
- strobe lighting.

39. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
40. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
41. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
42. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.
43. All parts of the licensed area intended to be used in the absence of adequate daylight and all essential safety signage shall be suitably illuminable. Details of the locations and level of illumination must be detailed in the Event Management Plan.
44. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
45. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
46. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flameretarded fabric. Any fabrics used in escape routes, entertainment areas, shall be noncombustible.
47. All fabric, including curtains and drapes used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of compliance must be available upon request by an authorised officer of Westminster City Council, The London Fire Brigade.
48. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.

49. The certificates listed below shall be submitted to the licensing authority upon written request:
- Any permanent or temporary emergency lighting battery or system
  - Any permanent or temporary electrical installation
  - Any permanent or temporary emergency warning system
50. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
51. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
52. No fumes, steam or odours shall be emitted from the licensed area so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
53. A sufficient number of easily identifiable, readily accessible receptacles for refuse must be provided, including provisions for concessions. Arrangements must be made for regular collection. Public areas must be kept clear of refuse and other combustible waste prior to, and so far as is reasonably practicable, during the licensed event.
54. There shall be no noise audible at the nearest noise sensitive premises from any construction or similar works in association with the set up and dismantling of the site, outside the hours of:  
08:00 - 18:00 Monday -Saturday  
08:00 - 13:00 Sunday
55. Any generators, refrigerators or other machinery running overnight will be silenced, screened or sited so as not to be audible outside the boundary of the Gardens.
56. Electrical generators, where used, must be:
- Suitably located clear of buildings, marquees and structures, and free from flammable materials;
  - Enclosed to prevent unauthorised access;
  - Able to provide power for the duration of the event;
  - Backed up electrical generators are to be provided to power essential communications, lighting and safety systems in the event of primary generator failure.
57. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and fire fighting equipment.
58. Full structural design details and calculations of all and any structures to be erected within the licensed area must be submitted to the Westminster City Council Building Control. A certificate from a competent person or engineer that a completed structure has been erected in accordance with the structural

drawings and design specification must be available for inspection prior to a relevant structure being used during the licensed event.

59. The Premises Licence Holder must ensure that competent persons are employed to assess the electrical requirements at the event and the compatibility of the electricity supply with the equipment to be used. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or electrical equipment to be used in association with handheld devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
60. All spare fuel, including LPG, must be kept and stored safely in accordance with relevant Health and Safety legislation and suitable safety signage and fire fighting equipment provided.
61. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
62. 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 is 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.
63. No event shall take place on the public highway unless the relevant permissions from City Promotions, Events & Filming team has being sought and confirmed.
64. For major events
  - a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
  - b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the (specified area).

65. Tickets for major events will only be issued to students, staff, alumni and their guests (limited to one guest per student, member of staff or alumni) and a record will be kept of all persons purchasing tickets for at least 30 days after an event.
66. All persons entering or re-entering the premises who are attending the Summer Ball event, shall have their bags searched by a SIA licensed member of staff
67. At a 'major event', a minimum of 2 SIA licensed door supervisors for the first 100 customers and on a ratio of 1:100 thereafter, shall be on duty at the premises at all times for the duration of the event. At least two SIA licensed door supervisors shall be on duty at each entrance of the premises at all times when it is open for licensable activities and adequate stewarding within the licensed area must be provided at all times. Staff shall be clearly identifiable as security staff and with their SIA ID being displayed.
68. Notwithstanding Condition 17 the Premises Licence Holder shall be permitted to hold one major event on the Premises in each year on a Friday or Saturday evening during May and June otherwise known for the avoidance of doubt as the Summer Ball which shall terminate at 02:00 hours.

**2 74 QUEENSWAY, LONDON, W2 3RL**

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 11 June 2020*

Membership: Councillor Murad Gassanly (Chairman), Councillor Jim Glen and Councillor Maggie Carman

Legal Adviser: Horatio Chance

Committee Officer: Georgina Wills

Policy Officer: Aaron Hardy

Presenting Officer: Jessica Donovan

**74 Queensway London W2 3RL**

**Application for a New Gambling Premises Licence [20/03575/LIGN]**

Relevant Representations: Environmental Health, Metropolitan Police, The Licensing Authority, Cllr Margot Bright, South East Bayswater Residents' Association (SEBRA), Queensway Resident Association, Bayswater Resident Association, and six Local Residents

Present: Andrew Woods (Solicitor, representing the Applicant, ), Gavin Tresidder (the Applicant, Future Leisure Limited–), Richard Brown CAB (representing South East Bayswater Residents' Association, SEBRA), PC Bryan Lewis, (Metropolitan Police), Karyn Abbott (Licensing Authority), John Zamit (Local Resident), David Parton (Local Resident), Rhys Hart (Local Resident), Andrew Smith (Local Resident) and Roger Harding (Local Resident) and Steven Kalogroulis (Local Resident),

This is an application by Future Leisure Limited seeking a new Gambling Premises Licence under the Gambling Act 2005 (“The Act”) for the purposes of Adult Gaming Machines (“AGM”) for available use at 74 Queensway, London W2 3RLt. The Premises is situated within the Lancaster Gate Ward and is within the Bayswater Cumulative Impact Area.

### **DECISION**

The application was refused

### **SUBMISSIONS AND REASONS**

The Sub-Committee had before it an application for the purposes of Adult Gaming Machines (“AGM”) for available use on the Premises. The Applicant sought to provide between 30 to 35 machines (ranging from B category machines limited to 20% and categories C and D machines) inside the Premises at any one time and for the operational hours to be 24 hours. The Premises had previously held a licence for a betting shop under the Act which was surrendered in October 2019.

Mr Andrew Woods, the Applicant’s Legal Representative, advised that Mr Gavin Tresidder, Applicant, had over some 25 years’ experience of operating betting shops and gambling premises. Mr Tresidder was reported to have operated seven similar premises. The Sub-Committee was advised that the Applicant had submitted a lengthy report which included a local area risk assessment, training manual, staff procedures and also a list of additional Conditions which would be adopted should the Sub-Committee be minded to grant the application. These included the employment of a SIA Security Guard, CCTV and customer intervention procedures. He commented that the Applicant had provided an ‘impressive array’ of policies and procedures and the Application complied with the requirements of the Act. The Sub-Committee was advised that there would be two members of staff on the shop floor

The Sub-Committee was advised that there were several gambling centres in the vicinity and that the Premises would be one of the smallest gambling providers in the Borough. Mr Woods advised that the Premises was located 250 meters away from the nearest school and place of worship. There was reported to be one Casino and betting Shop in the locality. He advised that the Premises was previously operated by William Hill PLC during the period 2007 – 2019 and the Company had surrendered their licence. The Applicant has taken the lease of this Premises. Mr Woods highlighted that the Applicant had submitted the proposed layout plan of the Premises. The Sub-Committee was reminded that the Gambling Acts differed from the Licensing Acts and that Section 153 of the Gambling Act 2005 should only be

considered. Mr Woods commented that the Act stipulated that issues such as management control and training programmes should be taken into consideration. Mr Woods further commented that concerns regarding ethics and morality were irrelevant in the Sub-Committee's determination of the matter.

In response to questions from the Sub-Committee, Mr Woods advised that the Training Programme for staff members will include 'indicative behaviour' and that employees would be trained to observe certain behaviour such as 'anger' and patron's composure whilst entering the Premises. He advised that concerned behavioural traits would be listed in the Staff's training manual and actions which need to be undertaken during scenarios. This included staff members talking to patrons who demonstrated these characteristics and removing individuals away from machines. Mr Woods commented that there would be difficulties in identifying patrons who were vulnerable and did not demonstrate any 'indicative behaviour'. He advised that employees interact with patrons and would become familiar with their 'habits' and would intervene when concerns arise. The Sub-Committee was advised that all employees would have undergone training before the Premises is opened.

The Sub-Committee noted that the Premises was located in a thoroughfare to student accommodations and raised concerns in relation to vulnerable persons such as students and young persons. In response to questions, Mr Woods advised that signage would be displayed on the Premises which advised that patrons must be over 18 to enter the Premises. The Applicant will also implement a 25 Challenge, install CCTV and have a SIA trained staff member based in the Premises. The Sub-Committee also noted that the Premises was situated in a Community Protection zone and was in an area which was a 'hot spot' for crime and Anti-Social Behaviour and questioned what specific Conditions proposed by the Applicant would address these issues. Mr Woods advised that the Applicant had taken into consideration areas considered as 'hot spots' and viewed their statistics. He commented that research had been undertaken about the locality and this information had been fed into the Report and Risk Assessment. He advised that the Metropolitan Police would be liaised with regarding any such concerns about the locality if the Application was granted.

Mr Woods provided an outline of daily activities which will be carried out by staff and this included regular patrols of the Premises and implementing Challenge 25. He advised that staff will be frequently interacting with patrons and it was estimated that a maximum of 10 customers would be present at the Premises at any one time. Mr Woods advised that the Premises would operate a 'spending level' and that patrons would be encouraged to 'self-exclude' and would be prevented by staff to continue activities if individuals refuse to comply.

The Sub-Committee raised question regarding the Risk Assessment carried out by the Applicant and enquired whether any research had been carried out specifically on the locality in conjunction with statistical information that was submitted by the Applicant. The Sub-Committee was advised that the Applicant had held interest in establishing a Premises in the locality for several years and had made regular visits to the area. Mr Woods advised that further local work would be undertaken if the Application was granted. In response to questions, Mr Woods advised that the Premises operational hours was to be determined and that the Applicant's other establishment hours of operation varied.



PC Bryan Lewis, Borough Wide Metropolitan Police advised that their representation had been maintained and this was on the grounds of the Applicant failing to fully agree to the Conditions recommended by the Police and the late submission of the Local Area Risk Assessment that had been submitted by the Applicant. It was confirmed that these documents have been forwarded to relevant local Met Police Officers. PC Lewis advised that he had met with local Met Police Officers, Ward Met Police Officers, Safer Neighbourhood, Sergeant and Dedicated Met Police Officers. He confirmed that there was a number of anti-social behaviour in the locality and that a Community Protection Zone had been implemented for the area. PC Lewis advised that local Met Police Officers had raised concerns about premises located at Inverness Terrace and commented that the vicinity had several low budget hotels and hostels. It was stated that the premises were reported to attract vulnerable persons.

PC Lewis advised that the Risk Assessment and control measures issued by the Applicant was welcomed and the Metropolitan Police would work in conjunction with the Premises if the Application was granted. The Sub-Committee were advised that the Metropolitan Police had recommended that a Door Supervisor operate the doors of the Premises from 12:00 hours onwards and that this recommendation had been refused. The Applicant had advised that a Door Supervisor would be present from 18:00 hours onwards. PC Lewis in response to questions from the Sub-Committee advised that additional Door Supervisors operating together would provide further reassurance.

Karyn Abbot, Licensing Authority Officer, advised that their representation had been maintained as the Premises was located in a sensitive area and was in close proximity and on a main route to a school, hostel and in a sensitive location which had potential for exposing children, young people or other vulnerable persons. Ms Abbot advised that there were two 'fast food' outlets near to the Premises as well as a Public House and a casino. A school is located 320 meters from the Premises. She advised that the Application had a potential to impact the three Licensing Objectives; namely the prevention of 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.

Ms Abbot noted that the Applicant had proposed a minimum of two members of staff to be present at the Premises and a SIA Door Supervisor and had agreed several Conditions with the Police. The Applicant was also reported to have submitted plans which indicated where the CCTV were to be installed and the gaming machines. The Sub-Committee noted the further documentation submitted which detailed how the Premises operations would comply with the Licensing Objectives. These submissions have been welcomed. Ms Abbot confirmed that the Applicant had been granted Licences for other Premises. Ms Abbot advised that vulnerable persons were classified as individuals who gambled more than they personally desired, individual who gamble beyond their financial means and individuals who are unable to make informed choices due to impairments. The Applicant was reported to have been requested to share information on what they would classify as a vulnerable person and was found to have the same classifications as the Council for this cohort.

Ms Abbot confirmed that the Applicant had provided a staff training manual, self-exclusions forms and core procedures. There were to be signages for gambling support agencies and local services. In addition, there will be information on 'game care' and Challenge 25 which will be displayed in the Premises. In response to questions, Ms Abbot confirmed that the Premises was located in a 'sensitive location' and the Sub-Committee were required to ensure that the Applicant meets all the Policy objectives.

Councillor Margot Bright, Ward Councillor St James Ward, addressed the Sub-Committee. Councillor Bright advised that the Premises was located in a 'sensitive area'. A Community Protection Zone was implemented for the locality following a rise in anti-social behaviour and public nuisance. The formulation of the Community Protection Zone started in November 2019 and remained in force even with the current Covid-19 Pandemic situation. The Sub-Committee was advised that anti-social behaviour had continued to steadily rise despite security measures being put in place. Cllr Bright stated that many homeless persons had been housed in the locality and that the vicinity included the make-up of several hostels, a women's refuge, social housing for residents who were mentally or physically impaired. The locality was also frequented by construction workers and individuals working in the hospitality sector. She also highlighted that the locality was also near to halls of residence of nearby Universities and these dwellings housed a large number of international students. The locality was also noted to be used by individuals who were involved in the illicit trade of prohibited substances and attracted vagrancy. The latter crimes were reported to be seasonal.

Councillor Bright advised that the Applicant had failed to include in the Application how vulnerable persons as listed above would be properly dealt with so that the licensing objectives were not undermined. The Sub-Committee was advised that the area was to undergo a major redevelopment and reminded that two major Resident Associations' had submitted representations objecting to the Application in the strongest terms. Councillor Bright highlighted that a place of worship was located near to the Premises. She commented that the proposed site for the Premises was wrong and would cause considerable harm to residents that were vulnerable.

Richard Brown, CAB Representative of South East Bayswater Residents' Association, raised concerns regarding the locality of the Premises and commented that the large documentation submitted by the Applicant on how the above mentioned were to be addressed demonstrated this. Mr Brown commented that the Premises location had a high foot fall and was near to two fast food outlets and a Public House. He commented that the Applicant's Risk Assessment Plan was deficient and highlighted that their assessment of the location did not refer to the Hostels located in the vicinity nor the Crime Prevention Zone. Mr Brown advised that these factors were crucial and should have been addressed if the Applicant had liaised with the Metropolitan Police.

Mr Brown advised that other Premises operated by the Applicant were in locations that differed to the proposed sites and it did not automatically follow that this Application could be considered in like terms. He commented that Responsible Authorities had confirmed that the location was in a 'sensitive area'. The Sub-Committee were advised that gaming machines were categorised, and that the speed of games differed between B2 & B3 gaming machines. The maximum stake

on gaming machines have also been reduced. There were concerns that the Applicant had failed to provide the hours of operation for the Premises. Mr Brown commented that the Application was contrary to all relevant Guidance, Codes of Practices, the City Council's Statement of Licensing Principles for Gambling and the Licensing Objectives.

John Zamit, Chairman of South East Bayswater Residents' Association (SEBRA) and a Member of the Bayswater Residents Association addressed the Sub-Committee. Mr Zamit advised that he had resided in the locality for over 35 years and that Queensway was undergoing redevelopment and £5 million had been invested by the Council to improve its public realm. He commented that there were limited parking bays in the locality and that the area becomes pedestrianised. He advised that pedestrians congregated on pavements and often had scooters, and this was usually outside the two fast food outlets. There were concerns that the Premises operating 24 hours would exacerbate concerns with parking and encourage large congregations on public highways. Mr Zamit commented that City Inspectors worked set hours and would be unable to monitor the area after 16:00 hours. The Sub-Committee was informed that there were a number of residential properties located in the vicinity and this factor had contributed to the vicinity being designated as a 'stress area'.

The Sub-Committee was advised that Premises which had licences which permitted for longer operational hours had been permitted before the changes in the Act and that most establishments closed at 20:00. Mr Zamit advised that the locality was quiet during later hours and was not serviced by many late night transportations. He raised concerns about the clientele which may be attracted to the Premises and highlighted that there were several places of worship near the location. Mr Zamit advised that SEBRA was a recognised Amenity Society and was widely known and commented that the Applicant had failed to liaise with the Residents Association which was somewhat unfortunate in light of the contentious issues raised. He highlighted the evidence provided to the Sub-Committee but was of the view that the Application should be refused. However, if the Sub-Committee were minded to grant the Application then Conditions should be imposed Mr Zamit commented that it was preferred that the Premises closes at 20:00 and should remain closed during Bank Holidays. The Sub-Committee was advised that the Premises operational hours were crucial and should be limited given its sensitive location.

In response to questions from the Sub-Committee, Mr Brown advised that a Condition which required for Challenge 25 to be operated, pre-plan single staffing and conditions which prohibits advertisement of the Premises in external areas away from the shop should be made. Mr Brown advised that additional Conditions which required two SIA Staff Members, toilet provisions for patrons, a restriction on capacity and ensuring that views to the inside of the Premises are made opaque should be imposed on the Licence. He further stated that Conditions which require for the Premises windows and doors to remain closed should be imposed and that Model Condition 45 (MC45) which prohibits 'advertising should be adopted.

Mr David Burton, local resident, addressed the Sub-Committee and raised concerns over the concentration of Betting facilitators in Queensway. Mr Burton advised that there were concerns over the protection of vulnerable persons and commented that the locality had a high number of residents who were classified as such and was a

'sensitive area'. He advised that the locality was surrounded by schools, several places of worship and hostels. The Sub-Committee was advised that the fast food outlets attracted a young cohort. Mr Burton advised that he resided near to the Premises and was fully aware of the individuals which frequented and congregated in the locality. He raised concerns over the absence of Substance or Alcohol Recovery Centres in the locality.

The Sub-Committee advised that the late operations of fast food outlets attracted crowds that would congregate in the vicinity and these persons would be vulnerable to gambling outlets. There were expressed concerns that the Premises operating for extended hours would cause harm to such persons. Mr Burton advised that the Applicant had failed to address specifically how vulnerable persons would be safeguarded from visiting the several gambling and betting facilities in the area. Mr Burton advised that the London Council's Report 2018 and Gambling Commission had found that the proliferation of gambling facilities in areas which had high deprivation had a direct correlation in the increase of crime, individual debts and breakdown in social relations. He commented that vulnerable persons would be at further risks following the gradual easing of social restrictions during the Covid-19 Pandemic and any future economic downturn.

Mr Burton commented that the Applicants proposals for two staff members to be present at the Premises was insufficient and highlighted that during several likely scenarios only one employee would be available and would be expected to monitor patrons, ensure the security of the Premises and ensure Licensing Conditions are met. He highlighted that there was no evidence provided that the Applicant's Risk Assessment had been independently evaluated by appropriate Independent Bodies. The Sub-Committee was advised that staff solely monitoring the Premises would not be sufficient as the establishment was located in a 'sensitive role'. He commented that there was no information on how gambling addicts and their social circles would be supported.

Mr Rhys Hart, local resident, advised the Sub-Committee that there was 100 Anti-Social Behaviour reported incidents in January 2020 and commented that this figure was raised to 269 in April 2020. There were reported to be a number of burglaries, sexual offences, robberies and hate crimes in the locality and these incidents were witnessed and have taken place during both the day and evening. He commented that the locality was a 'crime hot spot' and that implementation of the Crime Protection Zone had given additional powers to the local Metropolitan Police to address the criminal activities. These include dealing with gang activities and crime associated therewith.

Mr Hart advised that the concentration of gambling facilities in the locality led to increased anti-social behaviour and criminal activities. He commented that fast food outlets attracted individuals to congregate in the vicinity and the proposed late hours of operation would increase these numbers of persons. The removal of current restrictions imposed during the Covid-19 Pandemic would result in the resurgence of the night-time economy and increase of alcohol consumption. There were concerns that these factors would have a mal effect in the locality. Mr Hart commented that the clustering of gambling facilities had a direct effect on crime, poverty and deprivation in the immediate area. The Sub-Committee was advised that the Home Office and London Crime Reduction Unit advocated a 'public health approach' to prevent

violence and noted that deprivation was a contributing factor in increases in serious violence crimes.

The Sub-Committee was advised that an additional gambling facility would increase the cluster of these establishments and informed that 40% of crimes committed against retail outlets were targeted at betting and gambling premises. The Panel was reminded that the Metropolitan Police had opposed the Application. Mr Hart advised that there were concerns how the Applicant would engage with the Metropolitan Police and commented that the Applicant had failed to take into consideration how the Premises would address the issue of anti-social behaviour in the locality. He reminded the Sub-Committee that the locality was a 'hot spot' for criminal activities and that an additional gambling facility would have a mal impact on crime levels and Police resources.

In response to the Legal Advisor to the Sub-Committee, PC Lewis advised that the Community Protection Zone had been implemented to tackle anti-social behaviour in the locality and advised that there would be potential difficulties with the Premises, and this was in relation to anti-social behaviour and the risk posed to vulnerable residents. PC Lewis confirmed that the Metropolitan Police would be concerned if the Premises was to operate beyond 20:00 and noted that the Premises had not opened.

In summary Councillor Bright stated that there were serious concerns with the locality and that the Premises was unsuited for the area. She commented that the Conditions which had been proposed by the Applicant would not alleviate concerns regarding the locality. The Sub-Committee was advised that anti-social behaviour which occurred in the area would be increased after the easing of the current restrictions during the Covid-19 Pandemic. Councillor Bright advised that the locality had a large concentration of vulnerable inhabitants and these individuals included young people, homeless individuals and students. The Sub-Committee were reminded that the locality had also several hostels and that concerns about the Premises had been raised by local residents, Ward Councillors and Residents Association.

In summary Mr Burton stated that the locality was a 'sensitive area' and had a large number of inhabitants that were vulnerable. He commented that the Conditions proposed by the Applicant did not provide any assurances that vulnerable resident would be protected. Mr Burton commented that staffing levels was inadequate and that there would be likely scenarios in which only one member of staff is present on the shop floor and that the individual would be required to monitor the floor and observe patrons. The Sub-Committee was reminded that there was no assurance that the Applicant Risk Assessment Report, Staff Training Programmes or Policies had been validated by relevant Bodies or a third Party.

In summary Mr Rhys stated that the locality had a high level of crime in the locality and these rates had increased despite the Area being designated as a Community Protection Zone and that crime in the area was still taking place despite the Covid-19 Pandemic lock down. He commented that another betting facility in the locality would attract vulnerable persons and highlighted that these Premises also attracted individuals who were involved in criminal activities. The Sub-Committee was advised that there was a direct correlation of increased deprivation in areas where there was a

high concentration of gambling and betting facilitators and this had been widely documented. He commented that the proposed site was inappropriate for the Premises and acknowledged the importance of supporting the local economy and business.

In summary Mr Zamit stated that the Premises was unsuitable for the location and highlighted that the Applicant was unaware of it being a 'sensitive area'. He commented that the Applicant would only employ one Supervisor and recommended that a registered SIA Door Supervisor should be present during all operational hours if the Application was granted.

In summary Mr Wood stated that there was acknowledgment that gambling facilities were undesired and a preference for them to be absent from localities. He commented that the representations made by objectors were largely speculative and that the Applicant was a responsible operator and had over 25 years experience in operating Adult Gaming Centres. He commented that the Application would need to be considered in respect of the three Licensing Objectives. Mr Wood advised that the Risk Assessment and Policies and Procedures which had been submitted by the Applicant had been checked by the Gambling Commission and The British Amusement Catering Trade Association (BACTA). Mr Wood commented that the current site had held a gambling licence for over a period of twelve years and that there was no evidence which linked the Premises to the various concerns regarding anti-social behaviour and crime. The Sub-Committee was advised that there was also no evidence from the Metropolitan Police and Licensing Authority which linked other gambling and betting facilities in the area to criminal activities.

The Sub-Committee was advised that the Premises would be one of the most Conditioned Adult Gaming Centre which was operated by the Applicant and that there were various security measures which included CCTV and a SIA Door Supervisor. He advised that Conditions had been agreed with the Metropolitan Police and informed that the Premises was small and could only hold a maximum of eight patrons at any time. Mr Woods advised that the Policies and Procedures which had been submitted by the Applicant had not been refuted by either the Metropolitan Police or the Licensing Authority. He commented that the above measure indicated that the Applicant was aware that the Premises was in a sensitive area. Mr Woods advised that the Applicant did not wish for the Premises to attract any anti-social behaviour or cause crime and disorder.

Mr Wood advised that the nearest gambling facilities operated 24 hours throughout the week and stated that the Premises closing at 20:00 would not be commercially viable. He advised that an operational hour between 06:00hrs to 23:00 would therefore be acceptable. Mr Wood advised that the Applicant would agree for a SIA Door Supervisor to be stationed at the Premises from 12:00 onwards. Mr Wood commented that Model Condition 45 would be accepted and that all external doors, windows would be kept closed and made opaque.

Mr Woods commented that the implementations of proposed policies and Conditions would ensure that vulnerable persons are protected also met all the three Licensing Objectives. He commented further that the Local Areas Assessment would be updated if the Application was to be granted.

## Conclusion

The Committee has a duty to consider each application on its individual merits in addition to the policy objectives contained within the City Council's Statement of Licensing Principles for Gambling ("SLP") and is not bound by previous Decisions of licensing premises that may or may not have been granted within the area.

The Committee noted that the Premises held previously a licence for a betting shop under the Act which was surrendered in October 2019 and was now seeking a licence for the use of Gaming Machines on the Premises. The Committee noted that the Applicant stated in his application that there would be an estimate of 30 to 35 machines (ranging from B category machines limited to 20% and categories C and D machines) inside the Premises at any one time and that it was to operate 24 hours a day although the Applicant did state that he would be prepared to have some flexibility with the hours but this reduction was only put forward as a last minute proposal when questioned by the Committee.

The Committee considered the evidence before it and whether the three licensing objectives under section 1 of the Act will be promoted namely;

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,**
- (b) ensuring that gambling is conducted in a fair and open way, and**
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.**

The Committee as a matter of good practice also applied the principles it should follow under section 153 of the Act when looking at the application. The Committee heard evidence from all the respective parties and in the light of considering that evidence **refused** the application for the reasons outlined below: -

The Committee noted that Queensway is an area made up of licensed and unlicensed retail and hospitality premises and residential accommodation. The area has 19 other licensed premises under the Licensing Act 2003. In addition, there are 11 premises holding a license under the Gambling Act 2005 within a 250 meters radius, consisting of 1 Casino, 2 betting shops and 8 premises with Gambling Permits and Notifications including the Bayswater Arms which is opposite the premises. There are 254 residents within a 75-metre radius of the Premises. The Premises is also sandwiched between a busy Burger King Restaurant and McDonalds.

The area is a main route for transport links into the centre and west of London and is a busy vibrant high street. There does exist within the surrounding locality a School 320 metres away from the Premises as well as a nearby Church.

In policy terms it was agreed with the licensing authority and the applicant during the hearing that the premises are within a "sensitive location", defined under policy LOC1, due to the proximity of several hostels, university accommodation and schools, for which Queensway is a main access route and additionally the Community Protection Zone in place on Queensway and Inverness Terrace due to

increased problems with anti-social behaviour. The Committee therefore concluded that vulnerable persons may be further attracted to the area by the opportunity to gamble on gaming machines at the Premises. The Committee felt it had a responsibility to safeguard this potential risk from happening in an area of sensitivity.

The Committee noted from the evidence that the area has a number of hostels, HMO's and supported housing adjacent to Queensway on Inverness Terrace, Queensborough Terrace, and other nearby streets. The area is associated with homelessness and rough sleepers which places these persons in the vulnerable group category for those likely to suffer with addictions such as gambling and drugs.

The Committee realises that general sweeping statements are not to be relied upon and that its role should not be to consider the moral viewpoint society may hold on gambling premises, which is to be disregarded, but instead has to properly assess the evidence based on the claims of those objecting through their personal knowledge of the area and in so doing applied the necessary weight to that evidence.

The Committee considered the location and make-up of the area as a key consideration and thus an important aspect to its decision-making process.

It was noted by the Committee that there was no direct evidence found to link the Premises to specific incidents of crime and disorder, however, the Committee has to consider the global and negative impact it would have on the area as a whole if it were minded to grant the application due to the issues identified above

The Committee had due regard to policies LOC1, AGC1, OBJ1, OBJ2 and OBJ3 of the SLP when arriving at this Decision.

**Policy LOC1 states: -**

*“ A sensitive location is defined as any premises which is within close proximity or on a main route to a school, educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling’. The proposed location of this new adult gaming centre must be considered as part of this application due to the local area profile and its potential to impact upon the promotion of the 3 gambling licensing objectives.”*

**Policy AGC1 states:**

*“ Applications will be determined, subject to relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within the Statement of Licensing Principles for Gambling.”*

*Paragraphs 27.1 to 27.6 on pages 32 to 33 of the SLP refers*

**Policies OBJ1, OBJ2 and OBJ3** effectively mirror the gambling licensing objectives and are more particularly detailed at paragraphs 11 to 15 on pages 14-20 of the SLP for a full analysis.



The Committee accepted that whilst the Premises had provided a raft of information relating to various policies in relation to how the Premises would be run by staff members, in terms of security, management, child protection, amongst other things it felt that the policies did not go far enough in dealing with the many challenges the area faced due to its unique problems due to its location. The Committee duly considered the Gambling Risk Assessment provided by the Applicant but again was of the view that this was too general in nature and failed to identify the make up of the area and how those specific issues would be addressed that would promote the licensing objectives, meet the necessary policy requirements and allay the fears of those objecting.

The Committee noted that the Applicant was an experienced independent operator with a wealth of experience of some 25 years and held a portfolio of other licensed gambling premises. The Committee was disappointed to note that the Applicant had not actively engaged with the local community to try and resolve the many differences between them as this would have helped during the course of the hearing, particularly with the hours and proposed conditions but it was abundantly clear that there were too many opposing views of the parties not capable of reaching a consensus or indeed resolution. The Committee took the view that if the Applicant had taken this approach, prior to the hearing, then perhaps local residents, the resident associations and the local ward councillor in attendance could have found a compromise of sorts with particular emphasis being on the issues of vulnerable and young people being affected by gambling in the area.

The Committee has to consider whether these groups of people who may suffer from drug and gambling addictions are likely to become prime users of the Premises having regard to the promotion of the three licensing objectives and the Gambling Commission Guidance issued to Licensing Authorities. Based on the evidence the Committee concluded that the Premises was likely to attract this specific target group to the Premises.

The Committee concluded that Queensway and the immediately surrounding streets are a recognised 'hot spot' for anti-social behaviour and drug-related crime within the City of Westminster, which has given rise to a Community Protection Zone. The Committee noted that the Premises is located between a large Burger King branch located at number 72 Queensway and a large McDonalds located at number 76 Queensway which again has the potential to attract young people. It was submitted by those objecting that these fast-food premises are very popular with younger people, resulting in a high footfall. The Committee was of the view that the existence of an AGC at these Premises is likely to attract and therefore risk harming vulnerable people thereby undermining the licensing objective; ***protecting children and other vulnerable persons from being harmed or exploited by gambling.***

With that specific issue in mind it could not ignore the fact that granting the application would exacerbate the problems residents and local business already experienced with anti-social behaviour in the area.

The Committee also felt that the Gambling risk assessment did not satisfactorily address the specific issues relating to these groups of people in the sensitive area that would ultimately promote the licensing objectives. Young people and teenagers

are frequently involved, as are vulnerable people with drug and alcohol addictions and the Gambling Commission is clear on the role of the Licensing Authority under Part 4 of the Guidance to ensure that these concerns are not magnified when dealing in a sensitive area such as Queensway and the surrounds.

The Committee felt that it needed to strike the right balance when considering the merits of the application and the evidence before it and did not arrive at the decision to refuse the application lightly having regard to the full set of circumstances of the case. It did properly consider whether the mandatory conditions would mitigate the concerns of residents but was not persuaded by the Applicant that these would go to the heart of the problems associated with the area which were clearly documented in the objections. In fact, the Committee came to the conclusion that having an AGC at these Premises would have the reverse effect by further compounding the fears of residents resulting in a negative impact and this approach would not help the Applicant to achieve the promotion of the licensing objectives which ultimately is what the 2005 Act is designed to do.

The Committee did carefully consider also whether the additional conditions aforesaid offered by the Applicant and agreed with the Police would mitigate the concerns raised but concluded due to the peculiarities and specifics of the location and with it deemed a "sensitive location" under Policy LOC1 the conditions offered would not have the desired effect of promoting the licensing objectives.

The Meeting ended at 5.00 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_