



City of Westminster

Executive Summary and Recommendations

Licensing Sub-Committee Report

Date: 3rd August 2017

Subject: Application for variation of the Casino Premises Licence under the Gambling Act 2005 for Park Lane Club, London Hilton, 22 Park Lane, W1K 1BE.

Summary

To consider and determine the application made by Silverbond Enterprises Ltd for variation of the Casino Premises Licence under Section 187 of the Gambling Act 2005.

Recommendations

After considering the application and the submissions from the applicant and the objector in accordance with paragraph 163 (1) of the Gambling Act 2005 the Licensing Sub Committee can either:

- 1) grant the application
- 2) refuse the application



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	3 rd August 2017
Licensing Ref No:	17/05571/LIGV
Title of Report:	Application for variation of the Casino Premises Licence under the Gambling Act 2005 for Park Lane Club, London Hilton, 22 Park Lane, W1K 1BE.
Report of:	Operational Director of Premises Management
Wards involved:	West End
Policy context:	Westminster City Council's Statement of Principles under the Gambling Act 2005
Financial summary:	None
Report Author:	Heidi Lawrance – Senior Licensing Officer
Contact details	Tel: 020 7641 2751 E-mail: hlawrance@westminster.gov.uk

1. Background Information

- 1.1 An application was received by the Licensing Authority on 22 May 2017 to vary the premises licence under section 187 of the Gambling Act 2005 ('The Act') so as to extend the table gaming area on the first floor of the premises. Previously the table gaming area on the first floor was restricted to the Salle Prive only. This application seeks to extend that area to cover the entire first floor. The area is currently part of the restaurant but has always formed part of the gambling area. The second floor of the premises is unaffected by this application. A copy of the application form is attached to this report at **Appendix 1**.
- 1.2 The premises are currently licensed as a converted casino under the Act and the current licence is attached at **Appendix 2**.
- 1.3 The premises is also licensed for regulated entertainment, the sale by retail of alcohol and late night refreshment under the Licensing Act 2003. A copy of the current premises licence is attached at **Appendix 3**.
- 1.4 The proposed plans are attached to this report at **Appendix 4**.
- 1.5 Casinos with converted licences, and that have a gambling area of over 200m², must offer a minimum non-gambling area equivalent to at least 10% of its total gambling area. In determining the floor area of the gambling area, all areas in which facilities for gambling are provided should be taken into account. The non-gambling area may consist of one or more areas within the casino. These areas must be readily available to customers (eg offices, kitchen areas, employee areas will not count). They may include, but should not consist exclusively of, lavatories and lobby areas. The area must also include recreational facilities for casino customers that are available for use when the casino is open; where there is more than one area each area must contain recreational facilities. No gambling facilities may be offered in the non-gambling areas.
- 1.5 The Gambling Act 2005 (Premises Licence and Provisional Statements) Regulations 2007 ('The Regulations') require the licence holder to define the areas of the premises used for gambling, non-gambling (i.e recreation areas where gambling facilities are not permitted) and table gaming. This application seeks to increase the size of the non-gambling area slightly on the first floor whilst reducing the size of the restaurant (and therefore restaurant seating areas) in exchange for two extra gaming tables. The restaurants areas being sacrificed already form part of the gambling area. In essence, the table gaming area is increasing within the already designated gambling area.
- 1.6 There is no restriction in the legislation or associated regulations regarding the size of the table gaming area or the proportion of the premises it occupies provided that the mandatory condition requirement to provide a non-gambling area is observed.

2. Premises in the Vicinity

- 2.2 There are 6 faith groups located within a 500 metre radius from this premises. The nearest place of religious worship is the Mayfair Islamic Centre.
- 2.3 There is one Primary School within 500 metres from this premises.
- 2.4 There are 125 licensed gambling premises within a 500 metre radius of these premises and a full map of these can be found at **Appendix 5**.

3. Consultation

- 3.1 The application was advertised in accordance with the Regulations both on the premises and in the local press. The 28 day consultation period started from the date the application was received.
- 3.2 Local residents and businesses within a 50 metre radius of the proposed premises were written to outlining the nature of the application and how they can submit representations to the Authority within the statutory time period.

4. Representations

- 4.1 On the 19th June 2017 a representation was received from Ashiana Limited. A copy of the representation is attached to this report at **Appendix 6**. The main points of the representation are:
 - 4.1.1 The erosion of the physical and function separate between the bar/restaurant area and the gaming areas of the casino is inconsistent with the licensing objectives of protecting vulnerable persons from being harmed or exploited by gambling.
 - 4.1.2 The substantial reduction in the number of seated restaurant covers (almost a 50%) is inappropriate.

5. Applicant Submission

- 5.1 The applicant's solicitor's has sent a letter to Ashiana Limited offering to meet and explain the proposals in the application. A copy of this letter can be found at **Appendix 7**.

6. The Gambling Act 2005

- 6.1 This application has been made under section 187 of the Act. The application is to vary the layout in line with the requirements to define areas of the converted casino and specified by s2(3) of the Regulations.

- 6.2 The Licensing Authority must under Section 153(1) of the Act exercise its functions relating to premises licensing with an aim to permit the use of the premises for gambling in so far as it thinks fit and in accordance with the relevant codes of practice, guidance, reasonably consistent with the licensing objectives and in accordance with the Council's Statement of Principles.
- 6.3 The Licensing Authority can take into account a representations relating to an application for a premises licence from either an interested party (a person living sufficiently close to the premises to be likely to be affected by the authorised activity or has a business interest that may be affected or represents persons in either of these two groups) or a Responsible Authority (Licensing Authority, Gambling Commission, Police, Fire Authority, Environmental Health and HM Revenue and Custom). Any representations must be relevant and not frivolous or vexatious.
- 6.4 Section 152 of the Act provides that a premises licence may not be issued in respect of premises if a premises licence already has effect in relation to the premises, except for a track premises licences. The Explanatory Notes for section 152 state "*The general position for premises licensing is that premises may only be subject to one premises licence at a time... The effect of this requirement is to limit the principal activity on the premises to the provision of facilities for a particular type of gambling activity.*"
- 6.5 The Act, via regulations also imposes mandatory and default conditions that promote the licensing objectives. A list of these Mandatory conditions are attached at **Appendix 8**.
- 6.6 A premises licence issued by the Authority will be subject to the mandatory and default conditions for that licence type. However, paragraph 9.26 of the Guidance states;

"Section 169 of the Act gives licensing authorities:

- The ability to exclude from premises licences any default conditions that have been imposed under Section 168; and
- The power to impose conditions on the premises licences that they issue."

The current premises licence (attached at Appendix 2) has removed the default condition restricting the hours of operation.

7. Gambling Commission Guidance

- 7.1 The Gambling Commission have produced Guidance for local authorities in relation to the 2005 Act. The information in this section of the report relates to the relevant points within the Guidance which members may wish to consider.
- 7.2 Previous guidance from the Department for Culture, Media and Sport (DCMS) and the Commission has been that an application for a variation will only be required where there are material changes to the layout of the premises. What

constitutes a material change will be a matter for local determination but it is expected that a common sense approach will be adopted. When considering an application for variations, the licensing authority will have regard to the principles to be applied as set out in s.153 of the Act.

7.3 The Committee can, if it feels minded impose conditions on the premises licence. Paragraph 9.32 of the Guidance states that:

“Licensing authorities have more flexibility in relation to default conditions and may exclude a default condition and substitute it with one that is either more or less restrictive. Licensing authorities should note, however, that default conditions are intended to reflect normal industry operating practices. In circumstances where default conditions are excluded, the Commission would generally expect them to be replaced by other conditions, given the requirements of s.153. Where the condition is more restrictive, the licensing authority should ensure that they have clear regulatory reasons doing so.”

7.4 The Guidance goes further to state that authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. If the authority does decide that the only way to address a particular concern is through conditions it must be proportionate to the circumstances which they are seeking to address.

7.5 The Guidance encourages licensing authorities to ensure that premises licence conditions are relevant to the need to make the proposed building suitable as a gambling facility, directly related to the premises and the type of licence applied for, or fairly and reasonably related to the scale and type of the premises and reasonable in all other respects (see paragraph 9.29 of the Guidance).

7.6 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.

“...The relevant sections are:

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

8. The Council's Statement of Principles

- 8.1 The Licensing Authority's Statement of Principles set out the Council's policy considerations in relation to applications made under the Gambling Act. The Statement reemphasises the Authority's position in relation to Section 153 of the Act and sets out the principles and policies that the Authority will adopt when considering and determining Gambling Act applications.
- 8.2 The Council's Statement or Principles location policy (LOC 1) sets out that the authority will pay particular attention to the suitability of a location for gambling activity in terms of the objective of the protection of children and vulnerable persons from being harmed or exploited by gambling. It is the authority's view that the applicant should establish if there are any sensitive premises or locations within close proximity to the proposed gambling premises.
- 8.3 The Council's policy relating to the Protection of children and other vulnerable people from being harmed or exploited (OBJ 3) sets out the criteria that the authority will consider when determining an application. The authority will have to be satisfied that the applicant has appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling. Whilst the protection of children has not been called into question with regards to this particular application, the question for members will be whether the proposals are reasonably consistent with the licensing objective of preventing the vulnerable from being harmed or exploited by gambling.

9. Options for The Licensing Sub-Committee

- 9.1 When determining the application the Committee will need to consider the Gambling Act 2005, the relevant Guidance to Licensing Authorities, the policies contained within the Council's Statement of Principles and the licensing objectives.
- 9.2 In determining the application the Sub-Committee will need to be satisfied that if the application were to be granted there would be no breach of mandatory conditions and would not have a detrimental impact on the licensing objectives.

10. Appendices

- 10.1 Appendix 1 – Application Form
Appendix 2 – Current Casino Licence
Appendix 3 – Premises Licence (Licensing Act 2003)
Appendix 4 – Plan
Appendix 5 – PIV Map and List of Premises
Appendix 6 – Representation from Ashiana Limited
Appendix 7 – Letter from applicants Solicitor to Ashiana Limited
Appendix 8 – Mandatory Converted Casino Conditions
Appendix 9 – Additional information from applicant's Solicitor.

If you have any queries about this report or wish to inspect one of the background papers please contact Heidi Lawrance on 020 7641 2751 or email hlawrance@westminster.gov.uk.

Application Form

Application to vary a premises licence under the Gambling Act 2005

PREMISES MANAGEMENT
LICENSING SERVICE

27 MAY 2017

CITY OF WESTMINSTER

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.

Part 1 - 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): [*****]
- 3 Applicant's address (home or business -):
[*****]
[*****]
[*****]
Postcode: [*****]
- 4(a) The number of the applicant's operating licence (as set out in the operating licence): [*****]
- 4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made: [*****]
- 5 Tick the box if the application is being made by more than one person.

Section B**Application on behalf of an organisation**

- 6 Name of applicant business or organisation: Silverbond Enterprises Limited

7 The applicant's registered or principal address:

32 Hertford Street
Mayfair
London
Postcode: W1J 7SD

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

000-031812-N-318605-001

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.

Part 2 - Premises Details

10 Trading name used at licensed premises: Park Lane Casino

11 Give the address of the premises or, if none, give a description of the premises and its location. Where the premises are a vessel, give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. Where possible this should include an address with a postcode:

Part Ground Floor, Part Frist Floor and Part Second Floor
London Hilton
22 Park Lane London
Postcode: W1K 1BE

12 Telephone number at premises (if known): [*****]

13 Type of premises licence to be varied:

Regional Casino <input type="checkbox"/>	Large Casino <input type="checkbox"/>	Small Casino <input type="checkbox"/>
Converted Casino <input checked="" type="checkbox"/>	Bingo <input type="checkbox"/>	Adult Gaming Centre <input type="checkbox"/>
Betting (track) <input type="checkbox"/>	Betting (other) <input type="checkbox"/>	Family Entertainment Centre <input type="checkbox"/>

14 Premises licence number (if known): 16/03340/LIGV

15 If you are making this application alongside an application for transfer or reinstatement of the premises licence into your name, please give the name of the current licence holder as it appears on the premises licence (if known):

Surname: [*****] Other name(s): [*****]

Part 3 - Details of variations applied for

16(a) Please give details of any variation which is being applied for. Where the application includes an application to exclude or vary a condition of the premises licence, identify the relevant condition here (unless it relates to hours of operation which are dealt with in questions 16(b) and 16(c)):

To include gaming facilities on the first floor adjacent to the Salle Prive - the area currently being part of the restaurant but always part of the gambling area.

16(b) Do you want the licensing authority to exclude or vary a condition of the licence so that the premises may be used for longer periods than would otherwise be the case? No

16(c) If the answer to question 16(b) 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.

	Start	Finish	Details of any seasonal variation
Mon	[hh:mm]	[hh:mm]	[*****]
Tues	[hh:mm]	[hh:mm]	[*****]
Wed	[hh:mm]	[hh:mm]	[*****]
Thurs	[hh:mm]	[hh:mm]	[*****]
Fri	[hh:mm]	[hh:mm]	[*****]
Sat	[hh:mm]	[hh:mm]	[*****]
Sun	[hh:mm]	[hh:mm]	[*****]

17 Please indicate any particular date on which you want the variation to take effect if approved: Upon the approval of the application.

18 Please set out any other matters which you consider to be relevant to your application: There is no change to the structure of the casino or extent of the casino/gaming area.

Part 4 - Declarations and Checklist (Please tick as appropriate)

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

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

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- The existing premises licence is enclosed
- The existing premises licence is not enclosed, but the application is accompanied by -
 - A statement explaining why it is not reasonably practicable to produce the licence and,
 - An application under the Section 190 of the Gambling Act 2005 for the issue of a copy of the licence
- We understand that if the above requirements are not complied with the application may be rejected
- We understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 5 - Signatures

19 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: Woods Whur 2014 Limited

Date: 22 May 2017 Capacity: Solicitors for applicant

20 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: [*****]

Part 6 - Contact Details

- 21(a) Please give the name of a person who can be contacted about the application: Andrew Woods
- 21(b) Please give one or more telephone numbers at which the person identified in question 21 (a) can be contacted: 07738 170138 or 0113 234 3055
- 22 Postal address for correspondence associated with this application:
- Woods Whur 2014 Limited
Devonshire House
38 York Place Leeds
Postcode: LS1 2ED
- 23 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:
andrew@woodswhur.co.uk

Casino Licence

City of Westminster
64 Victoria Street, London, SW1E 6QP

No: 16/03340/LIGV

Original Ref: 07/08061/WCCGAP

CONVERTED CASINO PREMISES LICENCE

This licence is issued under section 164 of the Gambling Act 2005 by

City of Westminster

Part 1 – Details of person to whom licence is issued

The premises licence is issued to:

Silverbond Enterprises Ltd

of the following address:

32 Hertford Street
Mayfair
London
W1J 7SD

who holds an operating licence which has been given the following operating licence number by the Gambling Commission:

000-031812-N-318605-001

Part 2 – Details of the premises in respect of which the licence is issued

Facilities for gambling may be provided in accordance with this licence on the following premises:

Park Lane Club
Part Ground Floor, Part First Floor And Part Second Floor
London Hilton
22 Park Lane
London
W1K 1BE

Part 3 – Premises licence details

This licence came into effect on:

01.09.2007

This licence is of unlimited duration.

This licence has been re-issued following the grant of an application to vary the licence.

The variations to the licence take effect on:

28.04.2016

The following conditions have been attached to the licence by the issuing authority under section 169(1) of the Gambling Act 2005:

Substantial food and beverages shall be available by waiter / waitress service in the Quiet Zone and Quiet Lounge as marked on the plans at all times during which the licence is in operation.

The following conditions, which would otherwise have been attached to the licence by virtue of regulations made under section 168 of the Gambling Act 2005, have been excluded by the issuing authority under section 169(1)(b) of that Act:

No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.

A scale plan is attached as an annex to this licence.

Date: 29 June 2016



Signed: pp
Director – Public Protection and Licensing



City of Westminster
64 Victoria Street, London, SW1E 6QP

No: 16/03340/LIGV

Original Ref: 07/08061/WCCGAP

**SUMMARY OF THE TERMS AND CONDITIONS OF
A PREMISES LICENCE**

This licence is issued under section 164 of the Gambling Act 2005 by

City of Westminster

The summary is issued to:

Silverbond Enterprises Ltd

of the following address:

32 Hertford Street
Mayfair
London
W1J 7SD

A premises licence of the following type:

Converted Casino

has been issued in respect of the following premises:

Park Lane Club
Part Ground Floor, Part First Floor and Part Second Floor
London Hilton
22 Park Lane
London
W1K 1BE

Summary of the Terms and Conditions of the Premises Licence

1. The premises licence will run in perpetuity unless:
 - The Secretary of State prescribes a period after which the licence will expire under section 191 of the Gambling Act 2005;
 - The licence holder surrenders the licence under section 192 of the Gambling Act 2005;
 - The licence lapses under section 194 of the Gambling Act 2005;
 - The licence is revoked under section 193 or 202(1) of the Gambling Act 2005.
2. The premises licence applies only in relation to the premises specified in Part 2 of the licence and may not be varied so that it applies to any other premises (except in the case of a converted casino premises licence).
3. The premises licence authorises the premises to be used for the operation of a casino.
4. The premises licence is subject to:
 - Any conditions specified on the face of the licence as being attached under section 169(1) of the Gambling Act 2005;
 - Any other conditions attached to the licence by virtue of regulations made under sections 167 and 168 of the Gambling Act 2005 (other than any conditions under section 168 which have been excluded by the licensing authority); and
 - Any conditions attached to the licence by virtue of specific provisions of the Gambling Act 2005.
5. In particular, it is a condition of the premises licence under section 185 of the Gambling Act 2005 that the holder keeps the licence on the premises and arranges for it to be made available on request to a constable, enforcement officer or local authority officer. The holder of the licence commits an offence if he fails to comply with this condition.

Premises Licence – Licensing Act 2003

City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 010033624031

Premises licence

Regulation 33, 34

Premises licence number:

16/13766/LIPVM

Original Reference:

14/06276/LIPN

Part 1 – Premises details

Postal address of premises:

Park Lane Club London
Part Ground Floor, Part First Floor And Part Second Floor
London Hilton
22 Park Lane
London
W1K 1BE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance	
Monday to Sunday:	00:00 to 00:00
Performance of Live Music	
Monday to Sunday:	00:00 to 00:00
Playing of Recorded Music	
Monday to Sunday:	00:00 to 00:00
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Sunday:	00:00 to 00:00
Late Night Refreshment	
Monday to Sunday:	23:00 to 05:00

Sale by Retail of Alcohol Monday to Sunday:	00:00 to 00:00
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The opening hours of the premises: Monday to Sunday:	00:00 to 00:00
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Where the licence authorises supplies of alcohol, whether these are on and/or off supplies: Alcohol is supplied for consumption on the premises.
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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence: Silverbond Enterprises Limited 32 Hertford Street Mayfair London W1J 7SD

Registered number of holder, for example company number, charity number (where applicable) 07215674

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: Name: Sergio Cappello <i>Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.</i>
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Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol: Licence Number: 0501902LAPER Licensing Authority: London Borough of Bromley
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Date: 08.03.2017

This licence has been authorised by David Sycamore on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

10. Any door staff used at the premises will be employed and instructed by the Premises Licence Holder.
11. Any Premises Licence granted under the Licensing Act 2003 in respect of this application (number 14/06276/LIPN) shall have no effect unless a Casino Licence is in force.
12. The sale of alcohol must be ancillary to the use of the premises for gaming facilities and substantial refreshment.
13. A Personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.
14. The premise shall install and maintain a comprehensive CCTV system that ensures all parts of the licensed premises are monitored, including all entry and exit points and the street environment including the identification of every person entering in any light condition. All such cameras, that are not unique to casinos, required and approved by the Police and Licensing Authority shall continually record whilst the premises are open to the public and the recordings shall be retained and made available for 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a Police officer together with facilities for viewing. The recordings for the preceding two days shall be made available on request. Recordings outside this period shall be made available at 24 hours notice. All recording imagery that is unique to casinos such as gaming surveillance and cash desk imagery will be retained for the periods prescribed by the Gambling Commission or in the absence of a defined time, in accordance with the existing procedure. Where there is doubt or overlap the longest period will apply. (Subject to Data Protection Act 1998).
15. A 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 to the public. This staff member shall be capable of showing Police recent data or footage with the absolute minimum of delay when required to do so.
16. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
17. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
18. 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.

19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. The premises shall not employ or utilise the services of external promoters, on the streets of London, to include the use of fliers/leaflets.
21. Between 9pm and 3am there shall be a minimum of two door staff on duty, trained to SIA level. The premises shall provide documentation to the Responsible Authorities upon request, to confirm door staff on duty, have received adequate training.
22. 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.
23. There shall be no sales of hot food or hot drink for consumption off the premises.
24. A Challenge 21 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.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. No loudspeakers shall be located external to the building or on the second floor terrace.
27. The means of escape provided for the premises shall at all time be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all times be maintained in good condition and full working order.
29. All emergency exit doors shall be available at all times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be marked and maintained so as to be conspicuous at all times.
32. Patrons permitted to temporarily leave to the street and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. The number of persons accommodated at any one time (including staff) shall not exceed
 - First Floor 125 persons
 - Second Floor 60 persons

With no more than 180 persons at any one time or any such lower figure determined by the District Surveyor (upon satisfactory clearance of the second floor the maximum capacity at any one time shall revert to 250 persons).

Annex 4 – Plans

Attached.



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: West End
UPRN: 010033624031

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/13766/LIPVM

Part 1 – Premises details

Postal address of premises:

Park Lane Club London
Part Ground Floor, Part First Floor And Part Second Floor
London Hilton
22 Park Lane
London
W1K 1BE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance Monday to Sunday:	00:00 to 00:00
Performance of Live Music Monday to Sunday:	00:00 to 00:00
Playing of Recorded Music Monday to Sunday:	00:00 to 00:00
Anything of a similar description to Live Music, Recorded Music or Performance of Dance Monday to Sunday:	00:00 to 00:00
Late Night Refreshment Monday to Sunday:	23:00 to 05:00

Sale by Retail of Alcohol Monday to Sunday:	00:00 to 00:00
---	----------------

The opening hours of the premises: Monday to Sunday:	00:00 to 00:00
--	----------------

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies: Alcohol is supplied for consumption on the premises.
--

Name and (registered) address of holder of premises licence: Silverbond Enterprises Limited 32 Hertford Street Mayfair London W1J 7SD

Registered number of holder, for example company number, charity number (where applicable) 07215674

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol: Name: Sergio Cappello

State whether access to the premises by children is restricted or prohibited: Restricted
--

Date: 08.03.2017

This licence has been authorised by David Sycamore on behalf of the Director - Public Protection and Licensing.

Plan of the Premises – Proposed

To view the proposed plan, please contact the Licensing Department on:

Telephone: 0207 641 6500

Email: licensing@westminster.gov.uk

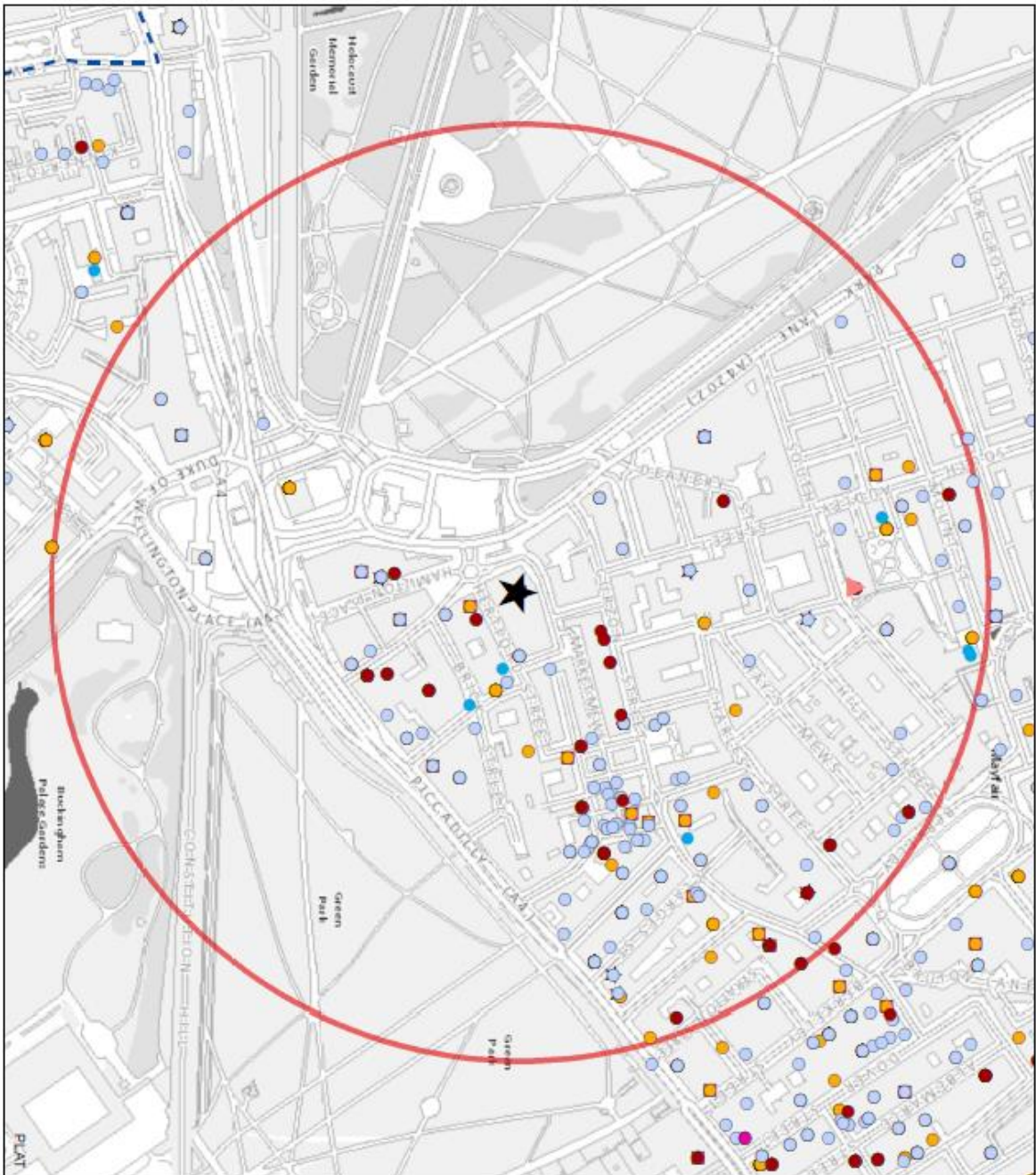
Plan of the Premises – Current

To view the current plan, please contact the Licensing Department on:

Telephone: 0207 641 6500

Email: licensing@westminster.gov.uk

PIV Map




City of Westminster

Key

-  The Park Lane Casino, 22 Park Lane, London, W1K 1BE
-  500m radius of The Park Lane Casino
-  Westminster Boundary
-  Live Gambling Act
-  Live Sex Establishments
-  Live Licensing Act
-  Live Other Premises Licensing
-  Live Club Certificates
-  Live Special Treatments
-  Faith Groups
-  Hostels - Special Needs Schemes
-  Primary School


 0 50 100 Metres

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Ref: 0251
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 OS 100021666

Representation



Licensing Team
Westminster City Council
4th Floor East
64 Victoria Street
London
SW1P 6QP

19 June 2017

Dear Sir,

RE: OBJECTION TO APPLICATION REFERENCE 17/05571/LIGV TO VARY THE PREMISES LICENCE FOR PARK LANE CLUB, PART GROUND FLOOR, PART FIRST FLOOR AND PART SECOND FLOOR, LONDON HILTON, 22 PARK LANE, W1K 1BE

We are the owner of 21-23 Curzon Street and act on behalf of the residents of that property ('the **Objectors**'), who object to the application by Silverbond Enterprises Limited to vary the Converted Casino premises licence for the Park Lane Club at 22 Park Lane ('the **Premises**'), pursuant to s 187 of the Gambling Act 2005 ('the **2005 Act**')

In summary, the basis of the objection is that:

- The Public Notice is Defective.
- The erosion of the physical and functional separation between the bar/restaurant area and the gaming areas of the casino is inconsistent with the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling.
- The substantial reduction in the number of seated restaurant covers (almost a 50% reduction) is inappropriate.

Objectors' Interest

The Objectors are resident at 21-23 Curzon Street and therefore live sufficiently close to the Premises to be likely to be affected by the authorised activities, bearing in mind the nature and size of the Premises, and are therefore an 'interested party' as defined by s 158 of the 2005 Act.

Notice Defective

Before turning to the substance of the objection, it should be noted that the public notice advertising the variation application is defective. It is not made in the format prescribed by Schedule 6 of Part 1 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 ('the **2007 Regulations**'). Indeed, the public notice refers on page 2 to the Licensing Act 2003. Plainly that act is irrelevant to the application to vary, which is regulated by the 2005 Act.

Regulation 13 of the 2007 Regulation deals with the circumstances where defective notice is given. In such circumstances Regulation 13(3) requires the applicant is to give proper notice as soon as practicable after the end of the period specified in Regulation 13(4). Regulation 13(5) makes clear that the licensing authority shall not grant the application until notice has been given in accordance with Regulation 13(3) and the period referred to in Regulation 13(4) has elapsed.

The Licensing Authority's Powers

Whilst a licensing authority is of course under a general duty to 'aim to permit the use of premises for gambling' it should be noted that, as the Gambling Commission's 2015 Guidance ('the **Guidance**') makes clear at paragraph 1.2,

"The Act gives local regulators very broad discretion to manage local gambling provision" (emphasis added).

The s 153 duty to 'aim to permit' only arises in so far as the authority think that the use of premises for gambling is:

- (a) In accordance with any relevant code of practice under section 24;
- (b) In accordance with any relevant guidance issued by the Commission under s 25;
- (c) Reasonably consistent with the licensing objectives; and

(d) In accordance with the statement published by the authority under section 349.

The licensing objectives are set out in section 1 of the 2005 Act. They are:

- (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.

This application is not reasonably consistent with these objectives.

Substance of the Objection

The proposed variation seeks to introduce two gaming tables into what is presently the restaurant area of the Premises. A comparison of drawing L501 (Jan 2016) with L501 (May 2017) indicates that the number of covers seated at tables will be reduced from 46 to 25, with three further seats not at tables provided against the southern wall.

The effect of the proposal is therefore:

- (1) To remove the physical and functional separation between the bar/ restaurant area and the gaming area of the Premises; and
- (2) Dramatically to reduce the number of seated table covers by almost 50%.

Such a change is particularly inappropriate given that it is a condition of the licence to require that substantial food and beverages be available by waiter/ waitress service in the Quiet Zone and Quiet Lounge at all times during which the licence is in operation.

(1) Loss of the physical and functional separation between the bar/restaurant area and the gaming area of the Premises

The loss of the physical and functional separation between the bar/ restaurant area and the gaming area of the Premises is not reasonably consistent with the licensing objective of preventing vulnerable persons from being harmed or exploited by gambling.

Prior to the introduction of the 2005 Act the Government commissioned the gambling review report, produced by a gambling review body chaired by Sir Alan Budd ('the **Budd Report**'). In the Executive Summary to that report, under protecting the vulnerable, the report states at 1.20,

"We were unwilling to see an increase in ambient gambling, that is, gambling opportunities that are available in locations which are not dedicated to gambling. We also wished to limit the extent to which gambling could be combined with the consumption of alcohol."

In relation to the consumption of alcohol, at 3.21 the report states that,

"It is well established that alcohol reduced inhibitions. There is convincing evidence that it impairs judgement about gambling and can cause people to gamble excessively."

At present the bar/ restaurant area is located on a separate floor from the gaming areas (with the exception of the *salon privee* which is its own self-contained space). This creates a physical and psychological boundary between the area where food and alcohol are bought and consumed, and the area of the Premises where gambling takes place. This layout promotes the licensing objective of protecting the vulnerable.

The proposal dilutes this separation. Gaming, food and alcohol would all be available on the same floor and in close proximity to one another. This increases the likelihood that those whose inhibitions have been lowered as a result of the consumption of alcohol will gamble to excess. It is not reasonably consistent with the third licensing objective.

Similarly, at present the restaurant area provides a location where an individual can take a break from gaming. They can order a meal, relax and reflect. The introduction of gaming tables into close proximity to this area reduces or extinguishes the ability of patrons to do this. Gaming becomes ever present, even in the restaurant area of the casino. This again is not reasonably consistent with protecting the vulnerable.

It is notable that a number of the Gambling Commission's codes of practice refer specifically to the layout of the premises. In particular, Social Responsibility Code 3.4.1 on Customer Interaction requiring licensees to put into effect policies and procedures for customer interaction where they have concerns that a customer's behaviour may indicate problem gambling, Ordinary Code provision 3.8.1 concerning money lending between customers and Social Responsibility Code provision 4.2.5 concerning the

supervision of games. The Applicant has failed to explain the impact of the proposed change in the layout of the premises upon their policies in this regard.

The licensing authority is therefore urged to refuse the variation since it erodes the physical and functional separation between the gaming and bar/ restaurant area of the premises, in a manner inconsistent with the licensing objectives.

(2) Reduction in restaurant table covers

The proposed variation application will reduce the number of table seats from 46 to 25 and the number of seats in the restaurant area from 46 to 28. This is a very significant reduction in the amount of restaurant space available for use by patrons of the Casino. The effect of that reduction will be to change the character of the Premises. There will be a greater emphasis on gaming and a reduced emphasis on dining/ relaxation as part of the casino experience. This risks changing the nature of the clientele at the Premises and the way in which patrons behave when at the Premises. There is consequently an increased risk of gambling related anti-social behaviour, crime and disorder, which is inconsistent with the first licensing objective.

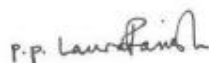
As noted above, the current licence includes a condition requiring that substantial food and beverages be available by waiter/ waitress service in the Quiet Zone and Quiet Lounge at all times during which the licence is in operation. The licensing authority itself therefore clearly places considerable store in the importance of ensuring adequate provision of substantial food and beverages on the Premises.

The proposed variation, which will result in a near 50% reduction in the number of seated covers, will undermine this.

Conclusion

For the reasons set out above, the authority are respectfully requested to refuse this application to vary.

Yours faithfully,



Ashiana Limited

Applicants Submissions



Devonshire House
38 York Place
Leeds
LS1 2ED

33 Cavendish Square
London
W1 oPW

Rotterdam House
116 Quayside
Newcastle Upon
Tyne

info@woodswhur.co.uk
www.woodswhur.co.uk
Tel: 0113 234 3055

All correspondence should be sent to our Leeds office

Ashiana Limited
68 Margarets Road
Edgware
Middlesex
HA8 9UU

Our ref CC/AH/SIL001-18-5/3058

Your ref

11 July 2017

Dear Sir

Re: Objection to application reference 17/05571/LIGV to vary the premises licence for Park Lane Club, Part Ground Floor, Part First Floor and Part Second Floor, London Hilton, 22 Park Lane, W1K 1BE

We are instructed by the operators of the Park Lane Casino and we have been forwarded your representation of the 19th June.

We would welcome the opportunity to meet with you and explain the proposals to you in more detail and to see if there are any issues we can work with you on.

If you would be happy to meet could you contact Andrew Woods on Andrew@woodswhur.co.uk so we could arrange a mutually convenient time and date to meet. Andrew is also available on 07738 170138.

Yours faithfully

Woods Whur

Mandatory Conditions – Casino

1. (1) The principal entrance to the premises shall be from a street.
(2) No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.
(3) No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
2. A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.
3. No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
4. (1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.
(2) The condition in sub-paragraph (1) may be satisfied by—
 - (a) displaying a clear and legible sign setting out the rules; or
 - (b) making available to customers leaflets or other written material containing the rules.
5. 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 cease gambling at any gaming table, gaming machine or betting machine in order to do so.
6. A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.
7. (1) This paragraph shall apply to premises which have a gambling area the floor area of which is no less than 200m².
(2) In determining the floor area of the gambling area, all areas in which facilities for gambling are provided on the premises shall be taken into account.
(3) The premises shall contain a non-gambling area, the floor area of which is no less than 10% of the floor area of the gambling area.

- (4) The non-gambling area may consist of one or more areas within the premises.
- (5) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.
- (6) Facilities for gambling shall not be provided in the non-gambling area.
- (7) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (5), shall contain recreational facilities that are available for use by customers on the premises.

Additional Document from applicants Solicitor

PARK LANE CASINO - PREMISES LICENCE VARIATION 3 AUGUST 2017 - EXPLANATORY NOTE

- The Casino opened in November 2014.
- It is situated within the Hilton Park Lane with the entrance door to the Casino adjacent to the main entrance to the Hilton Hotel.
- There are no facilities on the ground floor at all and through the entrance door is a staircase leading up to the first floor and second floor.
- There is a bar area on the first floor and when the premises opened in November 2014 , the remainder of the first floor was set aside for table gaming.
- In November 2014, the second floor was split between a restaurant area and a table gaming area.
- There have been alterations to the areas in which the various facilities took place. In January 2016, the restaurant was moved from its position on the second floor to the first floor and the whole of the second floor was set aside for table gaming.
- At all times however, the extent of the casino and the extent of gaming areas has been shown as including the first floor and second floor.
- The proposal now is to allow the provision of table gaming at the Park Lane end of the first floor. The first floor will still have the restaurant area and bar area which is slightly reduced in size.
- The area in which it is proposed to put through additional tables has always been part of the casino demise, always been part of the gaming area, but will now have two gaming tables.
- The size of the restaurant is virtually the same as when the premises opened and the restaurant was situated on the second floor.
- The restaurant on the first floor will be separated from the table gaming area by a screen. There are no physical alterations and no extension to the casino demise.