



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Thursday 10th September, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Nickie Aiken (Chairman), Heather Acton and Rita Begum

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

Councillor Nickie Aiken and Councillor Rita Begum declared non-pecuniary personal interests in respect of the Winter Wonderland application, as they had visited the event in previous years. Councillor Heather Acton also declared a non-pecuniary personal interest, in that she was a Ward Member for Hyde Park, and had been involved in stakeholder meetings. Councillor Acton declared that she had also received hospitality from Royal Parks Foundation.

1 WINTER WONDERLAND, HYDE PARK, SERPENTINE ROAD, W2

LICENSING SUB-COMMITTEE No. 2

Thursday 10th September 2015

Membership: Councillor Nickie Aiken (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Andrew Palmer

Relevant Representations: Environmental Health and Metropolitan Police.

Present: Doug Simmonds (Licensing Consultant, Representing the Applicant), Geoff Popper (Consultant to Winter Wonderland, Applicant Company), Josh Finesilver (*Event Producer and DPS*, Applicant Company), *Suzy Griffiths*

(Head of Events, Applicant Company) Sally Thomas (Environmental Health) and PC Reaz Guerra and PC Paul Hoppe (Metropolitan Police).

Councillor Nickie Aiken and Councillor Rita Begum declared non-pecuniary personal interests in the application, as they had visited the Winter Wonderland event in previous years. Councillor Heather Acton also declared a non-pecuniary personal interest, in that she was a Ward Member for Hyde Park, and had been involved in stakeholder meetings. Councillor Acton declared that she had also received hospitality from Royal Parks Foundation.

Winter Wonderland, Hyde Park, Serpentine Road W2 2UH 15/05510/LIPN	
	New Premises License under the Licensing Act 2003
1.	Sale by Retail of Alcohol (On and Off) Monday to Sunday: 10:00 to 22:00.
	Amendments to application advised at hearing: A late submission had been received from the Metropolitan Police amending one of the proposed conditions relating to the Operational Plan.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to amended conditions as set out below. In reaching the decision to grant this application, the Sub-Committee noted that a Premises Licence was currently in place for Winter Wonderland, and took into account that the current application was not seeking to extend the period of the event or the hours when licensable activities could take place, but was for the relocation of the site within Hyde Park. The proposal for a revised footprint would promote the Licensing Objectives by providing improvements, which included better access and wider walkways for greater public safety; and better movement through the event being situated further away from Hyde Park underground station. The relocation would also benefit from better services for water, toilets and electricity; and would similarly be of environmental benefit through moving the event away from existing trees. Winter Wonderland was an outdoor event set in Hyde Park to celebrate the Christmas and Festive Season, and was made up of fairground rides, market

stalls and a number of catering facilities some of which sold alcohol. The event spanned over a 6 week period from November to January. Doug Simmonds (Licensing Consultant) addressed the Sub-Committee on behalf of the applicant, and the Sub-Committee noted that the current application provided for the larger premises such as the Bavarian Hall to be downsized by 50%, with closed circuit television and security being increased.

Environmental Health commented that although a number of complaints had been received during last year's event relating to crowd control, particularly in the Angels Market area, the issues raised had been discussed with the operator and action had been taken. It had subsequently been agreed that more sustainable improvements could be achieved through changing the siting and layout of the event, and the applicants had accordingly been invited to put in a new application to improve public safety in line with Licensing Objectives. No other changes in hours or licensable activities had been applied for.

The Sub-Committee expressed concerns of possible overcrowding during peak times and also about the number of units from which alcohol could be sold, but acknowledged that it was difficult to determine the precise number of visitors to the event, as it was not an enclosed controlled site. Environmental Health acknowledged that the internal reconfiguration aimed to assist the through-flow of visitors. A condition on the existing licence was amended so as to require the Event Management Plan for future events to be presented to and approved by the Licensing Safety Advisory Group. Amongst other things, this would include the crowd management and stewarding arrangements and the capacity of fully enclosed locations where alcohol is sold.

The Metropolitan Police similarly confirmed that the operators had always responded positively to requests and recommendations that had arisen from issues associated with the event over previous years; and the Sub-Committee noted that the applicants had fully accepted a request made by the Police for an additional condition, which would allow them to respond if individual outlets were in breach of Licensing Objectives.

A question arose as to whether a condition could permit a new layout to be submitted for future events under the licence without the need to make a further application under the 2003 Act. The City Council's Legal Representative advised that provided the internal layout of the event did not conflict with regulations, the proposed changes might be permissible and might not need a formal application. However, changes to the boundary or the escape routes might require a variation application and a substantial variation to the premises themselves might even require a new application to be made.

2. Regulated Entertainment

Performance of Dance

Monday to Sunday: 10:00 to 22:00
 Not open Christmas Day

	<p>Exhibition of a Film Monday to Sunday: 10:00 to 22:00 Not open Christmas Day</p> <p>Performance of Live Music Monday to Sunday: 10:00 to 22:00 Not open Christmas Day</p> <p>Playing of Recorded Music Monday to Sunday: 10:00 to 22:00 Not open Christmas Day</p> <p>Anything of a similar description to Live Music, Recorded Music or Performance of Dance Monday to Sunday: 10:00 to 22:00 Not open Christmas Day</p> <p>Performance of a Play Monday to Sunday: 10:00 to 22:00 Not open Christmas Day</p>
	<p>Amendments to application advised at hearing:</p> <p>A late submission had been received from the Metropolitan Police amending one of the proposed conditions relating to the Operational Plan.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>
3.	Opening Hours
	<p>Monday to Sunday: 10:00 to 22:00. Not open Christmas Day</p>
	<p>Amendments to application advised at hearing:</p> <p>A late submission had been received from the Metropolitan Police amending one of the proposed conditions relating to the Operational Plan.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

Conditions attached to the Licence

Conditions:

Mandatory:

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. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. 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.
11. No licensable activities shall take place at the premises until premises licence 13/06474/LIPV has been surrendered and is incapable of resurrection.
12. Licensable activities shall only be authorised by this Licence for a maximum continuous period of 45 days commencing in November each year.
13. When alcohol is sold at the event the following conditions shall apply to all bars, both for the public and in hospitality areas.
 - (a) Bars shall not be permitted to run price promotions, happy hours or other promotions designed to encourage excessive drinking.
 - (b) Bars shall be closed no later than the event finish time.
14. Drinks shall not be sold or served in glass vessels or containers. They should also not be served in any measure greater than a pint. The exemptions to this are:
 - a) In designated controlled areas – such as in VIP or Hospitality areas – as pre-agreed by the Licensing Safety Advisory Group.
 - b) When alcohol is bought as a 'gift' in a sealed container, for the main purpose of being consumed off site.
15. The Premises Licence Holder shall undertake reasonable prevention methods to deter members of the public from either bringing into or removing any alcohol from the licensed area, with the exemption of alcoholic 'gifts' that are permitted to be sold in the licensed area, in a sealed container, for the express purpose of being consumed off site.
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises
17. At all locations where alcohol is sold, the name and contact telephone number of the Designated Premises Supervisor shall be displayed in a prominent position on the premises, so that it is clearly visible. The named Personal Licence Holder for that location will also be displayed with their contact telephone number.
18. Each operator selling alcohol shall have a personal licence holder in the vicinity at all times.
19. The number of locations where alcohol is sold at the event shall not exceed

those indicated on the event plan.

20. A communication system must be provided to ensure the effective operation of the site under both normal and emergency evacuation conditions. The Premises Licence Holder must provide an adequate incident control centre and a rendezvous point for the Police and other emergency services.
21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. Full details to be agreed 28 days in advance as part of the event management plan given under public safety.
22. All entry and exit points shall 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 preceding 31 day period.
23. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested. This is in addition to the operator of the CCTV system.
24. The Premises Licence Holder shall comply with all reasonable requirements of the Royal Parks, Westminster Police Licensing Team, Environmental Health Consultation Team, Westminster City Council, the London Fire and Emergency Planning Authority and the Metropolitan Police Service.
25. Door supervisors:
 - a) A minimum of 30 SIA licensed door supervisors (excluding cash in transit and covert security teams) shall be on duty at the premises at all times whilst it is open for business including the CCTV operators.
 - b) Of those there shall always be at least 8 Door Supervisors on duty on duty at the Bavarian Village.
 - c) The number of SIA Door Supervisors in each fully enclosed location where alcohol is sold shall be increased at a ratio of 1 Door Supervisor per 100 customers up to the maximum capacity of the premises in accordance with the schedule submitted as part of the event management plan referred to in Condition 29.
 - d) All SIA Door Supervisors shall wear High Visibility Jackets at all times they are on duty with the exception of the Cash In Transit and covert security teams.
26. It shall be a condition of entry that the customer agrees to an outer clothing and bag search being carried out or refusal of entry will be given, and notices to that effect shall be displayed. The management in full consultation with the DPS, Personal Licence holder operating in that area, Head of Security and the SIA Door Supervisors on duty will action as to when and whom is searched and a record of any decisions to be made. In making these decisions full

consultation and advice from either the Metropolitan Police will be taken into account.

27. Membership of the Licensing Safety Advisory Group shall include as a minimum; the premises licensee, the event organiser (where the Licensee is not the event organiser), the Licensing Authority, The Royal Parks, Westminster Police Licensing Team, Environmental Health Consultation Team, Westminster Special Events & Emergency Planning, Metropolitan Police Service, LFEPA, London Ambulance Service and Transport for London. Additional members shall be invited as appropriate for each meeting.
28. Unless otherwise agreed, no later than 2 months prior to the event plans of the layout for that year shall be submitted to the Licensing Safety Advisory Group and any other authorities requiring them.
29. 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 Licensing Safety Advisory Group, or their authorised representative for their approval. The Event Management Plan shall include, as a minimum:
 - a) Emergency and Evacuation procedures;
 - b) Crowd management and stewarding arrangements;
 - c) A detailed plan showing site layout and emergency egress points;
 - d) A detailed plan showing CCTV locations installed by the Premises License Holder;
 - e) Risk Assessments
 - f) A schedule detailing types and locations of emergency equipment
 - g) Sanitary accommodation
 - h) The capacity of fully enclosed locations where alcohol is sold
30. So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan approved by the Licensing Safety Advisory Group.
31. Adequate medical and first aid cover and facilities appropriate to the licensed event must be provided and assessed by the Licensing Safety Advisory Group.
32. The Premises Licence Holder must nominate one person for the event to act as safety co-ordinator, who is authorised by the Premises Licence Holder to act on their behalf to carry out all reasonable requests made by the Licensing Safety Advisory Group or their authorised representative.
33. The Premises Licence Holder must provide the Licensing Safety Advisory Group or their authorised representative with the particulars of the nominated safety co-ordinator.
34. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and fire fighting equipment.
35. 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 the Licensing Safety Advisory Group, or their authorised representative.

36. Full structural design details and calculations of any structures as specified by Westminster Building Control and not already subject to ADIPS 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 is 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.
37. Where appropriate, capacities shall be set for any temporary structures in accordance with the Technical Standards for places of Entertainment and agreed in writing with the Environmental Health Consultation Team.
38. 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.
39. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects shall 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 fire works
 - firearms
 - lasers
 - explosives and highly flammable substances
 - real flame
 - strobe lighting.
40. A written notice shall be given to the Environmental Health Consultation Team no later than 28 days prior the event of any performances which include animals.
41. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
42. The Premises Licence Holder must maintain a regular safety patrol at all times when the public are present in the licensed area to check for and guard against possible emergency hazards. The area underneath any stage and fixed seating areas is to be kept clear of flammable materials.
43. 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 hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.

44. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage 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.
45. Details of the locations and level of illumination must be submitted to the Hyde Park Licensing & Safety Advisory Group or their authorised representative. Electrical generators, where used, must be:
 - (a) Suitably located clear of buildings, marquees and structures, and free from flammable materials;
 - (b) Enclosed to prevent power disruption for the duration of the event;
 - (c) Able to provide power for the duration of the event;Back up electrical generators are to be provided to power essential communications, lighting and Safety systems in the event of primary generator failure, unless otherwise agreed by LSAG.
46. 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.
47. The following noise conditions shall apply:
 - (a) No noise shall emanate from the premises which gives rise to a nuisance
 - (b) The local residents and the relevant amenity group(s) in the vicinity of the Park, including the South East Bayswater Residents Association, Hyde Park Estate Residents Association, the Mayfair and St James' Amenity Society and Peabody Grosvenor Estates Residents Association, Marylebone Association and local Ward Councillors shall be contacted as soon as reasonably practicable (and in any event no later than 28 days) prior to the event advising them of the times of the event and any sound check or rehearsal times and giving them a telephone number to contact in the event that they have any complaints.
48. During the build up and break down of the events site, any activities that might cause noise to be audible outside the Park shall be limited to the hours of 08:00 to 20:00 Monday to Friday, and 10:00 to 18:00 Saturday and Sunday. Any generators, refrigerators or other machinery running overnight shall be silenced, screened or sited so as not to be audible outside the Park.
49. 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.
50. 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.

51. After the event any litter remaining shall be collected and removed from the site as soon as physically possible, either overnight or starting daybreak the following day if it is considered impractical to collect the litter in darkness.
52. There shall be a welfare point (or equivalent area) for the reporting and management of lost children. The welfare point shall be staffed and trained (and appropriately certified by the Disclosure Barring Service) members of staff who will be in radio contact with the head steward and the safety co-ordinator.
53. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
54. All training records shall be made available to Police, officers of the licensing authority and Trading Standards upon request.
55. The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. This refusals recording system shall be available upon request to police, Licensing Authority staff and Trading Standards.
56. **On request of a Police Officer, any individual unit as defined in the Event Management Plan shall immediately cease all licensable activities and only resume licensable activities when authorised by a Police Officer at the request of the Winter Wonderland management.**

2 VARIATION OF CASINO PREMISES LICENCE - THE HIPPODROME CASINO, 10-14 CRANBOURN STREET, WC2

LICENSING SUB-COMMITTEE No. 2

Thursday 10th September 2015

Membership: Councillor Nickie Aiken (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Andrew Palmer

Representations: The Licensing Authority.

Present: James Rankin (Counsel, representing the Applicant), Graham Clack (Solicitor, representing the Applicant), Simon Thomas and Martyn Bruver (Applicant Company), Mr Nick Nelson and Kerry Simpkin (Licensing Authority), Andrew Woods (representing Joe Jennings), Richard Taylor (representing William Hill), Ewan MacGregor (representing Coral)

**The Hippodrome Casino, 10-14 Cranbourn Street, London, WC2H 7JH
15/04522/LIGV**

Summary:

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

Options:

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

Amendments to application advised at hearing:

Late submissions had been received from the Police withdrawing their representation, and from Berwin Leighton Paisner LLP relating to proposed conditions and representations from the Metropolitan Police. Additional photographs were also provided by the Applicant relating to the Hippodrome Casino and the Empire Casino.

Decision (including reasons if different from those set out in report):

Two applications had been submitted by Hippodrome Casino Ltd relating to the Hippodrome Casino, 10-14 Cranbourn Street WC2H 7JH, which was currently licensed as a Converted Casino under the Gambling Act 2005.

The application process was complicated. The application for a new Betting (Other) Premises Licence (15/03306/LIGN) was received on 28 April 2015. The applicant was the Hippodrome Casino Ltd and the proposed trading name for the new betting shop was the Hippodrome Casino. The description indicated that the betting shop was to be located on the ground floor of a casino operating over multiple levels. The plan appeared at page 239 of the report.

There were a number of representations against the application. The licensing authority had made a representation but there were also representations from other operators, including Betfred, Coral Racing Ltd, William Hill and Joe Jennings. The principal objection to this application was that it breached section 152(1)(b) of the Gambling Act 2005 which does not allow a second licence to be issued if a premises licence already has effect in relation to the premises.

Mr Rankin, on behalf of the applicant, acknowledged that the original application was defective as it stood and explained that was why the second application had been made (15/04522/LIGV) to vary the converted casino licence under section 187 of the Gambling Act 2005. That application was received on 4 June 2015, the purpose being to remove the front entrance lobby and the adjacent area (proposed to be used as a betting shop) from the ambit of the licence. The plan showing this proposed variation to the licensed premises appeared at page 198 of the report.

The only representation against the second application was from the licensing authority itself which asserted that the application, if granted, would breach the conditions specified in Part 1 of Schedule 1 to the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007. In particular, it is asserted that the grant of the application would breach the mandatory condition that required the principal entrance to the Casino premises to be from a street.

Mr Rankin requested that the two applications should be considered together. The members of the Sub-Committee had no objection to that course of action and there were no objections from the other persons present.

If the application to vary the converted casino licence under section 187 of the Act were to be granted, that would effectively remove any concerns about compliance with section 152(1)(b) of the 2005 Act. However, questions would still remain as to whether the new betting premises and the amended casino premises comply with the relevant mandatory conditions. For the casino, the relevant mandatory condition provides that the principal entrance to the premises shall be from a street. For the betting premises, the relevant mandatory condition provides that access to the premises shall be from a street or from other premises with a betting premises licence.

Steve Rowe introduced the report and identified the issues arising. He explained why two applications had been made as described above, pointing out the fact that the initial application breached section 152(1)(b) of the Gambling Act 2005. He then identified the issues regarding the mandatory conditions that applied to (a) Casino Premises Licences under Part 1 of Schedule 1 to the 2007 Regulations and (b) Betting Premises Licences under Part 1 of Schedule 5 to the 2007 Regulations.

Mr Rowe concluded that the key issue to be determined was whether or not the lobby area can be constituted as a street for the purposes of the Regulations.

James Rankin presented the applications of behalf of the Applicant. Hippodrome Casino Ltd accepted that a betting shop could not be located within premises that already had a Converted Casino License, but considered that the measures set out in the proposal were fully compliant with the legal and mandatory requirements of establishing a betting shop at the premises. The betting shop would be separated from the casino by creating an unlicensed area between them in place of the lobby that was currently licensed as part of the casino premises. There would consequently be no direct access between the casino and the new betting shop.

Mr Rankin discussed the definition of premises in licensing terms, and suggested the Licensing Authority had misinterpreted the meaning of premises set out in the

Gambling Commission's Guidance, which provided that there was no reason in principle why a single building could not be subject to more than one premises licence, provided they could reasonably be regarded as being different premises. The Guidance stated that the location of the premises and suitability of the division were important considerations, and Mr Rankin highlighted the need to determine whether the proposed premises were genuinely separated from the Casino to merit their own license.

Mr Rankin acknowledged the reasons for the Guidance relating to access to premises, and for direct access from the street, which sought to avoid the drift from casino gaming to betting. Mr Rankin suggested however that there was no definition of direct access, and commented that definition of 'street' contained in the interpretation section of the Regulations defined 'street' as including 'any bridge, road, lane, footway, subway, square, court, alley or passage, including passages though enclosed premises such as shopping malls, whether a thoroughfare or not'. Mr Rankin submitted that under this wide interpretation, removing the lobby area from the Casino License would enable it to be defined as a street in compliance with the Regulations and Guidance, and would accordingly be compliant by providing access to the betting shop via a street.

Mr Rankin commented on how other Licensing Authorities had dealt with similar issues of separation, where proposals for arrangements similar to those of the Hippodrome had been granted. He also submitted that the current layout use of the Empire Casino at Leicester Square, which had received approval from the Licensing Authority, was a close comparison to what the Hippodrome was seeking to achieve.

Mr Rankin submitted that the Hippodrome application was a genuine exception to policy, from which no harm would arise; and that the proposal would not represent an exception to the Guidance as it was wholly compliant. The Applicants also considered that the use of the lobby area would have the associated benefit of the existing Casino Security. The Sub-Committee noted that the Applicants had not been able to build a new entrance directly onto Cranbourn Street, as the premises were a Grade 2 Listed Building.

Mr Rankin commented on the conditions proposed by the Licensing Authority, which the Applicants were happy to comply with. The Sub-Committee similarly noted that the Police had withdrawn their representation, after the Applicant had agreed to a further condition for the installation of a comprehensive CCTV system.

The Sub-Committee also heard from Simon Thomas, Chairman of Hippodrome Casino Ltd, who spoke in support of the applications. Mr Thomas also highlighted the value of trained door supervision, and commented that the Hippodrome had a 100% rating of ensuring that people aged under 18 did not gain access to the premises. The Sub-Committee noted that no concerns had been raised by the Gambling Commission over the proposal or its location.

Nick Nelson responded to the Applicant's representations on behalf of the Licensing Authority, and submitted that the proposals sought to circumvent legislation to enable a betting shop to operate from the same premises as a Casino. Although it was the Applicant's contention that they have created a street, the Licensing Authority was not satisfied that the mandatory requirements for separation and access had been met. Mr Nelson considered that the foyer did not constitute a street, and that the design of the entrance of the premises would make members of the public think they were entering a

Casino. The proposed division of the premises was an arbitrary line on a plan, and the Licensing Authority was concerned that the application would expose people to both Casino gaming and betting.

It was the Licensing Authority's view that the current application did not meet the requirements of Policy DAP1 of the Licensing Statement of Principles, which specifically addressed applications and licensed premises that had more than one gambling premises licence and the division between those premises. The Licensing Authority considered that the betting shop and the casino were not separate premises and were artificially created within one building (the Hippodrome Casino). The separation between the two premises was similarly not considered appropriate as one could readily be accessed from the other, and the only distinction between the two premises was the lines drawn on the plans. The betting shop would also be situated within the Hippodrome Casino, which when viewing the premises main entrance from Cranbourn Street, would not be separately branded or distinguishable from the Casino itself. In addition, access between the premises would not be restricted, and as such would be a breach of the mandatory condition relating to direct access.

Mr Nelson also submitted that in addition to issues arising from the premises being a Listed Building, it was likely that objections would be made if access to the betting shop was from Cranbourn Street, due to its location and issues relating to vulnerability and homelessness. Kerry Simpkin also spoke on behalf of the Licensing Authority and agreed that an application made for a Betting Licence with the entrance from Cranbourn Street would raise different issues. .

In addition, Mr Nelson considered the question of demonstrable harm to be irrelevant, as the Licensing Authority had to follow mandatory conditions, and commented that premises licenses granted by other Licensing Authorities had no bearing on Westminster. Mr Nelson also considered that the betting shop situated at the Empire Casino was more clearly defined, and was accessed by a more easily definable street which provided separation between the two operations.

The full submissions from the licensing authority were set out in some detail in the reports before the Licensing Sub-Committee. The Sub-Committee took account of the written representations originally made on 22nd May 2015 (before the variation application had been submitted) and the further written representations made on 2nd September 2015 which also responded to the issues arising as a result of that variation application being made.

The Sub-Committee received submissions in objection to the applications from Coral, William Hill and Joe Jennings, who were operators of betting premises.

Ewan MacGregor spoke on behalf of Coral, and questioned the integrity of the separation between the two activities, and submitted that a street or passageway could not be artificially created out of a lobby. The "harm" of the application was simply contained within the mandatory conditions themselves. He considered that the proposals were not in line with Regulations or the Guidance to Local Authorities, and urged that the applications be refused. Richard Taylor and Andrew Woods similarly spoke on behalf of William Hill and Joe Jennings respectively, and agreed that the applications were not in compliance with the Gambling Act, Guidance or Council Policy.

Barry Panto (Legal Advisor) asked questions about the overall impression that would be given to customers approaching from outside the premises. He commented that the principal access to the premises would remain intact, and that people who wished to go to the betting shop would still have to go through the main Casino entrance. Apart from a small change to a window display, the overall impression that would be given was that one was entering the Casino. The former lobby area served no independent purpose itself. Bearing in mind the fact that the application for the betting shop had been made by reference to it being located on the ground floor of the Casino itself, the question arose as to whether the primary purpose of the application was to get round the legislative difficulty that prevented a converted Casino being used for the provision of betting facilities. Mr Rankin stated that this would be the same as what the Licensing Committee had granted in connection with the Empire.

Mr Thomas informed the Sub-Committee that half of the customers who used the Casino premises did not gamble, but went for other attractions such as dining or entertainment.

The members of the Licensing Sub-Committee took careful account of the submissions made by the applicant, the licensing authority and the other operators who had made representations in response to the applications. Although the other operators did not make any representation with regard to the variation application, the members considered their legal submissions relating to both applications as it was clear that the variation application was intended to have some impact on the decision reached in relation to the application for the new betting premises.

The Sub-Committee was of the view that the principal entrance to the Hippodrome Casino was currently the main entrance at the junction of Cranbourn Street and Charing Cross Road. If the variation application were to be granted, it must follow that entrance at the junction of Cranbourn Street and Charing Cross Road would no longer be the principal entrance to the Casino premises. Customers who currently make use of the principal entrance will enter via the foyer and walk along a passageway before entering the main gaming area of the premises. The new principal entrance to the premises would then be somewhere along this route and would therefore be from the area currently used as the lobby. The legal question arising, therefore, was whether a de-licensed lobby can constitute a "street" for purposes of the mandatory conditions.

The concept of the "street" was created by the Gambling Commission to recognise the fact that some gambling premises such as betting shops might be situated within large commercial centres (such as shopping malls and motorway service stations). Part 1 of Schedule 5 to the Mandatory Conditions Regulations 2007 also recognises this. It makes it clear that there must be no direct access between betting premises and other premises used for retail purposes whilst acknowledging that there can be access via these other types of large commercial centres. The definition of "street" has therefore been drafted to recognise that a "street" might include the passages within these large commercial centres. The definition gives the shopping mall as an example of such a street.

The regulations also recognise that a casino may be situated in a large commercial centre such as a shopping mall or even a hotel. However, the overall theme seems to be that a large multiple use premises can potentially be subject to more than one premises licence. The Sub-Committee does not think that a lobby area can be casually

removed from a casino as a device to artificially create a new street where one did not exist before. Indeed that purpose seems to be reflected by the fact that the second application to vary the Casino licence was made after the application for the new betting shop licence had been made. The purpose seems to be entirely with a view to creating an artificial separation of the premises so as to allow the application for the betting premises to be granted. The members of the Sub-Committee think that is designed to overcome the fact that a converted casino cannot provide facilities for betting.

In fact, the lobby of the Casino will continue to be used by customers who are accessing the Casino. It cannot serve any other function apart from being the entrance to the proposed betting shop. In that sense, the members do not think that the lobby can provide a genuine means of ensuring that there is no direct access between the Casino and the betting shop. Indeed, customers who wish to visit the betting shop via the lobby will first have to enter the current main entrance to the premises which clearly give the impression that one is entering a Casino. That is very different to entering a shopping mall.

The members of the Licensing Sub-Committee fully understood why the application had been made but did not accept that the lobby of the current Casino could be regarded as a street for the purposes of the regulations. In those circumstances, the Sub-Committee decided that both applications had to be refused.

3 NEW BETTING (OTHER) - HIPPO BET, THE HIPPODROME CASINO, 10-14 CRANBOURN STREET, WC2

LICENSING SUB-COMMITTEE No. 2

Thursday 10th September 2015

Membership: Councillor Nickie Aiken (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Andrew Palmer

Representations: The Licensing Authority, Done Brothers (Cash Betting) Ltd T/A Betfred, Joe Jennings (Harlow) Ltd, William Hill Organisation Ltd and Coral Racing Ltd.

Present: James Rankin (Counsel, representing the Applicant), Graham Clack (Solicitor representing the Applicant), Simon Thomas and Martyn Bruver (Applicant Company), Nick Nelson and Kerry Simpkin (Licensing Authority), Andrew Woods (representing Joe Jennings), Richard Taylor (representing William Hill), Ewan MacGregor and Kevin Williams (representing Coral).

**Hippo Bet, The Hippodrome Casino, 10-14 Cranbourn Street, London, WC2H 7JH
15/03306/LIGN**

Summary:

To consider and determine the application made by Hippodrome Casino Ltd for a new Betting (Other) Premises Licence under the Gambling Act 2005.

Options:

- 3) grant the application
- 4) refuse the application.

Amendments to application advised at hearing:

Late submissions had been received from the Police withdrawing their representation, and from Berwin Leighton Paisner LLP relating to proposed conditions and representations from the Metropolitan Police. Additional photographs were also provided by the Applicant relating to the Hippodrome Casino and the Empire Casino.

Decision (including reasons if different from those set out in report):

Two applications had been submitted by Hippodrome Casino Ltd relating to the Hippodrome Casino, 10-14 Cranbourn Street WC2H 7JH, which was currently licensed as a Converted Casino under the Gambling Act 2005.

The application process was complicated. The application for a new Betting (Other) Premises Licence (15/03306/LIGN) was received on 28 April 2015. The applicant was the Hippodrome Casino Ltd and the proposed trading name for the new betting shop was the Hippodrome Casino. The description indicated that the betting shop was to be located on the ground floor of a casino operating over multiple levels. The plan appeared at page 239 of the report.

There were a number of representations against the application. The licensing authority had made a representation but there were also representations from other operators, including Betfred, Coral Racing Ltd, William Hill and Joe Jennings. The principal objection to this application was that it breached section 152(1)(b) of the Gambling Act 2005 which does not allow a second licence to be issued if a premises licence already has effect in relation to the premises.

Mr Rankin, on behalf of the applicant, acknowledged that the original application was defective as it stood and explained that was why the second application had been made (15/04522/LIGV) to vary the converted casino licence under section 187 of the Gambling Act 2005. That application was received on 4 June 2015, the purpose being to remove the front entrance lobby and the adjacent area (proposed to be used as a betting shop) from the ambit of the licence. The plan showing this proposed variation to the licensed premises appeared at page 198 of the report.

The only representation against the second application was from the licensing authority itself which asserted that the application, if granted, would breach the conditions specified in Part 1 of Schedule 1 to the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007. In particular, it is asserted that the grant of the application would breach the mandatory condition that required the

principal entrance to the Casino premises to be from a street.

Mr Rankin requested that the two applications should be considered together. The members of the Sub-Committee had no objection to that course of action and there were no objections from the other persons present.

If the application to vary the converted casino licence under section 187 of the Act were to be granted, that would effectively remove any concerns about compliance with section 152(1)(b) of the 2005 Act. However, questions would still remain as to whether the new betting premises and the amended casino premises comply with the relevant mandatory conditions. For the casino, the relevant mandatory condition provides that the principal entrance to the premises shall be from a street. For the betting premises, the relevant mandatory condition provides that access to the premises shall be from a street or from other premises with a betting premises licence.

Steve Rowe introduced the report and identified the issues arising. He explained why two applications had been made as described above, pointing out the fact that the initial application breached section 152(1)(b) of the Gambling Act 2005. He then identified the issues regarding the mandatory conditions that applied to (a) Casino Premises Licences under Part 1 of Schedule 1 to the 2007 Regulations and (b) Betting Premises Licences under Part 1 of Schedule 5 to the 2007 Regulations.

Mr Rowe concluded that the key issue to be determined was whether or not the lobby area can be constituted as a street for the purposes of the Regulations.

James Rankin presented the applications of behalf of the Applicant. Hippodrome Casino Ltd accepted that a betting shop could not be located within premises that already had a Converted Casino License, but considered that the measures set out in the proposal were fully compliant with the legal and mandatory requirements of establishing a betting shop at the premises. The betting shop would be separated from the casino by creating an unlicensed area between them in place of the lobby that was currently licensed as part of the casino premises. There would consequently be no direct access between the casino and the new betting shop.

Mr Rankin discussed the definition of premises in licensing terms, and suggested the Licensing Authority had misinterpreted the meaning of premises set out in the Gambling Commission's Guidance, which provided that there was no reason in principle why a single building could not be subject to more than one premises licence, provided they could reasonably be regarded as being different premises. The Guidance stated that the location of the premises and suitability of the division were important considerations, and Mr Rankin highlighted the need to determine whether the proposed premises were genuinely separated from the Casino to merit their own license.

Mr Rankin acknowledged the reasons for the Guidance relating to access to premises, and for direct access from the street, which sought to avoid the drift from casino gaming to betting. Mr Rankin suggested however that there was no definition of direct access, and commented that definition of 'street' contained in the interpretation section of the Regulations defined 'street' as including 'any bridge, road, lane, footway, subway, square, court, alley or passage, including passages though enclosed premises such as shopping malls, whether a thoroughfare or not'. Mr Rankin submitted that under this

wide interpretation, removing the lobby area from the Casino License would enable it to be defined as a street in compliance with the Regulations and Guidance, and would accordingly be compliant by providing access to the betting shop via a street.

Mr Rankin commented on how other Licensing Authorities had dealt with similar issues of separation, where proposals for arrangements similar to those of the Hippodrome had been granted. He also submitted that the current layout use of the Empire Casino at Leicester Square, which had received approval from the Licensing Authority, was a close comparison to what the Hippodrome was seeking to achieve.

Mr Rankin submitted that the Hippodrome application was a genuine exception to policy, from which no harm would arise; and that the proposal would not represent an exception to the Guidance as it was wholly compliant. The Applicants also considered that the use of the lobby area would have the associated benefit of the existing Casino Security. The Sub-Committee noted that the Applicants had not been able to build a new entrance directly onto Cranbourn Street, as the premises were a Grade 2 Listed Building.

Mr Rankin commented on the conditions proposed by the Licensing Authority, which the Applicants were happy to comply with. The Sub-Committee similarly noted that the Police had withdrawn their representation, after the Applicant had agreed to a further condition for the installation of a comprehensive CCTV system.

The Sub-Committee also heard from Simon Thomas, Chairman of Hippodrome Casino Ltd, who spoke in support of the applications. Mr Thomas also highlighted the value of trained door supervision, and commented that the Hippodrome had a 100% rating of ensuring that people aged under 18 did not gain access to the premises. The Sub-Committee noted that no concerns had been raised by the Gambling Commission over the proposal or its location.

Nick Nelson responded to the Applicant's representations on behalf of the Licensing Authority, and submitted that the proposals sought to circumvent legislation to enable a betting shop to operate from the same premises as a Casino. Although it was the Applicant's contention that they have created a street, the Licensing Authority was not satisfied that the mandatory requirements for separation and access had been met. Mr Nelson considered that the foyer did not constitute a street, and that the design of the entrance of the premises would make members of the public think they were entering a Casino. The proposed division of the premises was an arbitrary line on a plan, and the Licensing Authority was concerned that the application would expose people to both Casino gaming and betting.

It was the Licensing Authority's view that the current application did not meet the requirements of Policy DAP1 of the Licensing Statement of Principles, which specifically addressed applications and licensed premises that had more than one gambling premises licence and the division between those premises. The Licensing Authority considered that the betting shop and the casino were not separate premises and were artificially created within one building (the Hippodrome Casino). The separation between the two premises was similarly not considered appropriate as one could readily be accessed from the other, and the only distinction between the two premises was the lines drawn on the plans. The betting shop would also be situated within the Hippodrome Casino, which when viewing the premises main entrance from Cranbourn

Street, would not be separately branded or distinguishable from the Casino itself. In addition, access between the premises would not be restricted, and as such would be a breach of the mandatory condition relating to direct access.

Mr Nelson also submitted that in addition to issues arising from the premises being a Listed Building, it was likely that objections would be made if access to the betting shop was from Cranbourn Street, due to its location and issues relating to vulnerability and homelessness. Kerry Simpkin also spoke on behalf of the Licensing Authority and agreed that an application made for a Betting Licence with the entrance from Cranbourn Street would raise different issues. .

In addition, Mr Nelson considered the question of demonstrable harm to be irrelevant, as the Licensing Authority had to follow mandatory conditions, and commented that premises licenses granted by other Licensing Authorities had no bearing on Westminster. Mr Nelson also considered that the betting shop situated at the Empire Casino was more clearly defined, and was accessed by a more easily definable street which provided separation between the two operations.

The full submissions from the licensing authority were set out in some detail in the reports before the Licensing Sub-Committee. The Sub-Committee took account of the written representations originally made on 22nd May 2015 (before the variation application had been submitted) and the further written representations made on 2nd September 2015 which also responded to the issues arising as a result of that variation application being made.

The Sub-Committee received submissions in objection to the applications from Coral, William Hill and Joe Jennings, who were operators of betting premises.

Ewan MacGregor spoke on behalf of Coral, and questioned the integrity of the separation between the two activities, and submitted that a street or passageway could not be artificially created out of a lobby. The “harm” of the application was simply contained within the mandatory conditions themselves. He considered that the proposals were not in line with Regulations or the Guidance to Local Authorities, and urged that the applications be refused. Richard Taylor and Andrew Woods similarly spoke on behalf of William Hill and Joe Jennings respectively, and agreed that the applications were not in compliance with the Gambling Act, Guidance or Council Policy.

Barry Panto (Legal Advisor) asked questions about the overall impression that would be given to customers approaching from outside the premises. He commented that the principal access to the premises would remain intact, and that people who wished to go to the betting shop would still have to go through the main Casino entrance. Apart from a small change to a window display, the overall impression that would be given was that one was entering the Casino. The former lobby area served no independent purpose itself. Bearing in mind the fact that the application for the betting shop had been made by reference to it being located on the ground floor of the Casino itself, the question arose as to whether the primary purpose of the application was to get round the legislative difficulty that prevented a converted Casino being used for the provision of betting facilities. Mr Rankin stated that this would be the same as what the Licensing Committee had granted in connection with the Empire.

Mr Thomas informed the Sub-Committee that half of the customers who used the

Casino premises did not gamble, but went for other attractions such as dining or entertainment.

The members of the Licensing Sub-Committee took careful account of the submissions made by the applicant, the licensing authority and the other operators who had made representations in response to the applications. Although the other operators did not make any representation with regard to the variation application, the members considered their legal submissions relating to both applications as it was clear that the variation application was intended to have some impact on the decision reached in relation to the application for the new betting premises.

The Sub-Committee was of the view that the principal entrance to the Hippodrome Casino was currently the main entrance at the junction of Cranbourn Street and Charing Cross Road. If the variation application were to be granted, it must follow that entrance at the junction of Cranbourn Street and Charing Cross Road would no longer be the principal entrance to the Casino premises. Customers who currently make use of the principal entrance will enter via the foyer and walk along a passageway before entering the main gaming area of the premises. The new principal entrance to the premises would then be somewhere along this route and would therefore be from the area currently used as the lobby. The legal question arising, therefore, was whether a de-licensed lobby can constitute a "street" for purposes of the mandatory conditions.

The concept of the "street" was created by the Gambling Commission to recognise the fact that some gambling premises such as betting shops might be situated within large commercial centres (such as shopping malls and motorway service stations). Part 1 of Schedule 5 to the Mandatory Conditions Regulations 2007 also recognises this. It makes it clear that there must be no direct access between betting premises and other premises used for retail purposes whilst acknowledging that there can be access via these other types of large commercial centres. The definition of "street" has therefore been drafted to recognise that a "street" might include the passages within these large commercial centres. The definition gives the shopping mall as an example of such a street.

The regulations also recognise that a casino may be situated in a large commercial centre such as a shopping mall or even a hotel. However, the overall theme seems to be that a large multiple use premises can potentially be subject to more than one premises licence. The Sub-Committee does not think that a lobby area can be casually removed from a casino as a device to artificially create a new street where one did not exist before. Indeed that purpose seems to be reflected by the fact that the second application to vary the Casino licence was made after the application for the new betting shop licence had been made. The purpose seems to be entirely with a view to creating an artificial separation of the premises so as to allow the application for the betting premises to be granted. The members of the Sub-Committee think that is designed to overcome the fact that a converted casino cannot provide facilities for betting.

In fact, the lobby of the Casino will continue to be used by customers who are accessing the Casino. It cannot serve any other function apart from being the entrance to the proposed betting shop. In that sense, the members do not think that the lobby can provide a genuine means of ensuring that there is no direct access between the Casino and the betting shop. Indeed, customers who wish to visit the betting shop via

the lobby will first have to enter the current main entrance to the premises which clearly give the impression that one is entering a Casino. That is very different to entering a shopping mall.

The members of the Licensing Sub-Committee fully understood why the application had been made but did not accept that the lobby of the current Casino could be regarded as a street for the purposes of the regulations. In those circumstances, the Sub-Committee decided that both applications had to be refused.