



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 12th August, 2021**, This will be a virtual meeting.

**Members Present:** Councillors Jim Glen (Chairman), Susie Burbridge and Aziz Toki

#### 1. MEMBERSHIP

THERE WERE NO CHANGES TO THE MEMBERSHIP.

#### 2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

#### 3. LICENSING APPLICATIONS

##### 1. 10 AM: LSC (3) BLAME GLORIA, 20 BEDFORD ST, LONDON WC2E 9HP

##### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3 ("The Committee")

Thursday 12 August 2021

Membership: Councillor Jim Glen (Chairman) Councillor Susie Burbridge and Councillor Aziz Toki

Officer Support: Legal Advisor: Vivienne Walker  
Policy Officer: Kerry Simpkin  
Committee Officer: Georgina Wills  
Presenting Officer: Emanuela Meloyan

Application for a Time Limited New Premises Licence in respect of Blame Gloria 20 Bedford Street London WC2E 9HP 21/01538/LIPN

FULL DECISION

## **Premises**

Blame Gloria, 20 Bedford Street, London WC2E 9HP

## **Applicant**

+Venture Battersea Limited

## **Cumulative Impact Area?**

West End

## **Special Consideration Zone**

N/A

## **Ward**

St James's Ward

## **Summary of Application**

This is an application for a New Time Limited Premises Licence from 1<sup>st</sup> October 2021 to 31<sup>st</sup> December 2022 under the Licensing Act 2003 ("The Act"). The Premises operate as a bar. The Premises have the benefit of a time limited Premises Licence (Licence number 20/04576/LIPN) which expires on 30<sup>th</sup> September 2021. The Premises are located in the St. James's Ward within the West End Cumulative Impact Area but not in a Special Consideration Zone.

## **Activities and Hours applied for**

### **Recorded Music (Indoors)**

Monday to Wednesday: 10:00 hours to 23:30 hours

Thursday to Saturday: 10:00 hours to 01:00 hours

Sunday: 10:00 hours to 22:30 hours

Seasonal variations/Non-standard timings:

- Sundays before Bank Holidays 10:00 hours to 00:00 hours

### **Late Night Refreshment (Indoors)**

Monday to Wednesday: 23:00 hours to 23:30 hours

Thursday to Saturday: 23:00 hours to 01:00 hours

Seasonal variations/Non-standard timings:

- Sundays before Bank Holidays 23:00 hours to 00:00 hours

### Sale by retail of alcohol (On and Off Sales)

Monday to Wednesday: 10:00 hours to 23:30 hours

Thursday to Saturday: 10:00 hours to 01:00 hours

Sunday: 10:00 hours to 22:30 hours

Seasonal variations/Non-standard timings:

- Sundays before Bank Holidays 10:00 hours to 00:00 hours

### Hours premises are open to the public

Monday to Wednesday: 10:00 hours to 23:30 hours

Thursday to Saturday: 10:00 hours to 01:00 hours

Sunday: 10:00 hours to 22:30 hours

Seasonal variations/Non-standard timings:

- Sundays before Bank Holidays 10:00 hours to 00:00 hours

### Representations Received

- Metropolitan Police Service (MPS) (Adam Deweltz) (withdrawn)
- Licensing Authority (LA) (Michelle Steward)
- Covent Garden Community Association ('CGCA')
- 3 local residents

### Summary of issues raised by objectors

- LA sought further submission regarding the increase of capacity by 25 people in the cumulative impact area, how the supply of alcohol will be controlled and monitored, and noted that the applicant will need to satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted. It will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact area and the proposed hours of operation.
- CGCA objected on the basis that the later operation of the premises is very likely to increase the level of nuisance when it closes at 01:00 there will be harm to the Licensing Objectives.

### Policy Position

Under Policy HRS1, applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the matters set out in Policy HRS1.

Under Policy CIP1: A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to: 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce

the overall capacity of the premises. B. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact. C. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Under Policy PB1(B) it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than: 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises, subject to the matters set out in the policy.

## **DECISION AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, presented the report that was before the Sub-Committee. She noted that representations had been received from the Licensing Authority. Representations had been received from the Covent Garden Community Association (CGCA). The Premises are located in St James's Ward and are within the West End Cumulative Impact Area (CIA).

Mr James Anderson, solicitor acting on behalf of the applicant, began by noting, in response to submissions received from CGCA and evidence submitted by them, that the applicant does **not** have to demonstrate that there will be no harm to the licensing objectives. He submitted that the test is the balance of probabilities taking into account all the circumstances (1) can exceptional circumstances be found to rebut the policy; and (2) if there are exceptional circumstances, does the application as applied for promote the licensing objectives.

Mr Richard Brown, speaking on behalf of Covent Garden Community Association, stated the point made by Mr Anderson was semantic. He agreed the test is balance of probabilities but, in his submission, the Sub-Committee needs to be convinced it is an exception to policy. In relation to harm to the licensing objectives and *Hope & Glory*, Mr Brown noted s.4 LA 2003 said the licensing authority are under a positive duty to promote the licensing objectives.

Mr Anderson began by accepting this is not a re-hearing but some of the arguments that will be put forwards are the same as previously. He also conceded that late hours to financially bolster a business is not on its own a good reason to grant the application. He stated the applicant does not seek to rely on that although it is certainly relevant – the business is now trading, and trading well, but not as well as it used to in the evening.

Mr Anderson stated he would address two specific issues – the first was later trading. These are the same hours as previously applied for, however they have not been able to use this licence. He stated the applicant would not be seeking a second time limited licence had they been able to use it as the Committee intended. He explained that 2 days after it was granted, lockdown came in meaning the previous temporary licence was only used for a limited time. He stated this application was being made because the applicant had not been able to take advantage of the previous.

In relation to later hours, Mr Anderson stated the applicant does not accept the premise that just because people are outside later that will cause a nuisance. He submitted this cannot be right in either law or fact. If this were correct then there would be no later hours in the West End – it is a question of fact. He submitted there was overwhelming evidence there would be no nuisance if the application was granted. He pointed to no nuisance arising from TENs that had been granted, no objection from EHO, that the applicant had been trading until 01:00 hours on Thursday to Saturday and had no complaint. Mr Anderson submitted the representations made and objections received were evidence free and were instead opinion pieces that rely on policy. He noted that MPS had withdrawn their representation.

The second point was the policy point. Mr Anderson stated there were exceptional circumstances, as per his written submissions. He stated the applicant did not accept things were back to normal since July – it is not the same as August 2019. He said footfall is still low and, whilst the Premises are busy in the day numbers are low in the evening, noting low tourist numbers, low use of office space, low customer confidence and different customer behaviour. The Premises occupancy is down and the applicant does not think this is likely to recover until late Summer to Winter of 2022. As such, Mr Anderson explained that the applicant relied on the ground that the West End is different from prior to the pandemic. He submitted the policy does not reflect the West End as it is at present.

Mr Anderson noted that some premises are still closed, so it is not the noisy disturbing stress area. He noted the application is temporary and is not a permanent change to the stress area. The application is not capable of transfer. The applicant has not been able to use any outdoor area.

Mr Anderson further explained that the Premises have not been able to fully take advantage of the previous temporary licence. Effectively the applicant has had one hand tied behind their back and that is the reason why this application is being made – he submitted this was an exceptional circumstance.

In response to a number of questions by Members, Mr Anderson and Mr Jackson provided the following information:

- (a) The Premises started trading during the day in order to counter impacts of lower evening footfall resulting from the pandemic. Mr Jackson estimated that footfall was down by roughly 1/3<sup>rd</sup>. The applicant expected all areas of the West End to be compromised for the duration of the temporary licence sought;
- (b) The Premises used to open between 16:00 – 17:00 hours 7 days a week but now opens at 11:30 hours on Saturday and 12:00 hours on Sunday.

Ms Michelle Steward, of the Licensing Authority, explained the application was considered under Policies PB1, HRS1 and CIP1. She noted the policy considerations were outlined in the Licensing Authority's representation. She noted the application was outside of core hours and falls within PB1(B). She explained the Licensing Authority's policy.

Ms Steward explained that further information requested in relation to vertical drinking had not been received. The Licensing Authority had maintained its representation in order to allow members to determine the application and be satisfied that if granted the application will not impact the area in accordance with CIP1.

In response to questions by Members of the Sub-Committee,

- (a) Ms Steward confirmed that CIP1 and PB1 apply within the CIA because of the cumulative impact area itself.

Mr Richard Brown, speaking on behalf of Covent Garden Community Association, explained CGCA are the amenity society for the area.

Mr Brown noted the exception found in 2020 was an exception found in that time. He suggested that it may have had some bearing on that decision that the CGCA did not object – which was a deliberate and considered decision. The CGCA agreed at that time that footfall was low, that the Premises couldn't make use of al fresco, and had sympathy for the applicant. However, the CGCA have objected this time because in their view with their knowledge of the area the situation has changed.

Mr Brown clarified that footfall has increased since the premises have been able to open in May and July of 2021. He explained that the CGCA's view is that footfall is going to continue to increase and the West End is likely to keep going towards the situation in 2019 when the CIA was researched and produced. He submitted this was supported by the fact that the CGCA had started receiving complaints about premises in the area, albeit not the Premises. Mr Brown further noted that there are resident representations to this application whilst there had not been previously.

Mr Brown noted it was common ground that an exception was needed – noting that there was no definition of what exceptional circumstances are but some examples are given of what is not exceptional, referencing premises being well-run and applications being time-limited are not exceptional. Mr Brown submitted that Covid-19 is not a reason for an exception.

Mr Brown submitted it was a crucial point that the policy had been renewed since the previous application. He further noted that the cumulative impact assessment indicated further restrictions in the West End which were not implemented because of Covid. He stated the Council were fully aware of Covid when making the policy but no reference is made to it. He stated that Covid was an unprecedented occurrence but it is not an exception to policy because it impacts everybody whereas an exception to policy has to be almost unique to that application.

Mr Brown refuted Mr Anderson's suggestion that later hours could not definitionally be harmful by reference to the law recognising that cumulative impact policies could be appropriate when there is evidence to support them. He stated it is not necessarily about individual premises but rather the global and cumulative effects.

Mr Brown posed the question of whether a bar opening until 01:00 hours addresses the underlying reason for imposing the cumulative impact policy – he submitted that in 2021 it does not.

Mr David Cain, of the CGCA, explained the CGCA did not object in 2020 because at the time of the application the CGCA took the view that they wanted to support licensed premises in the area as the situation was very quiet. The CGCA felt it would be reasonable whilst restrictions existed to allow people to trade in a different way. He said the situation now is very different – the number of people on the street late at night has increased significantly. Streets in Covent Garden have become so busy and noisy that residents who have lived there for 30 years are saying they will have to move. He stated allowing a 01:00 hours licence in this area will result in more people on the streets late at night and more noise.

He stated that the fact there haven't been complaints doesn't mean there haven't been issues – he himself has observed noisy behaviour. He concluded by explaining that in their view it was probable that a 01:00 hours licence will increase nuisance in the area.

In response to questions by Members of the Sub-Committee,

- (a) Mr Brown stated the following were not exceptional circumstances – Covid, the Premises being well run, the fact that the application is time-limited.

### **Conclusion**

The Sub-Committee noted that representations were received from the Metropolitan Police Service, the Licensing Authority, the Covent Garden Community Association and three local residents, who cited public nuisance as the key issue.

It was noted that the Metropolitan Police Service withdrew their representations.

It was noted that the Licensing Authority and the Covent Garden Community Association maintained their representations because the Premises are within the Cumulative Impact Area.

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, submissions made by the Applicant and all other parties, and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee was advised by the Applicant that the Premises have not been able to take advantage of the time limited licence granted in September 2020, due to the imposition of further lockdowns, curfews and restrictions which were not anticipated when that temporary licence was granted.

The Sub-Committee noted that the Premises have been able to operate since 17 May 2021, with restrictions, and since 19 July 2021 without restrictions. The Sub-Committee noted that the Premises can currently operate within the extended hours granted by the previous temporary licence until 30 September 2021, and thereafter during core hours in accordance with their existing licence.

The Sub-Committee decided that the Applicant had not provided sufficient reasons as to why the granting of the application would promote the licensing objectives and therefore **refused** the application for the New Time Limited Premises Licence.

The Sub-Committee had considered the evidence before it and whether the four licensing objectives would be promoted. The Sub-Committee heard evidence from the parties and in light of considering that evidence **refused** the application for the reasons outlined below:

The Premises are situated within the West End Cumulative Impact Area and so the policy presumption is to refuse the application unless exceptional circumstances can be proven under the City Councils Statement of Licensing Policy (SLP). The Sub-Committee was of the view that exceptional reasons had not been provided.

It was noted that the Premises have a high volume of vertical drinking because there is no ancillary nature as to the way in which alcohol is served at the Premises.

In terms of the policy considerations, the Sub-Committee had regard to Policy HRS1 which states: **“Applications for hours outside the core hours set out in this policy will be considered on their merits, subject to other relevant policies in the Statement of Licensing Policy” (SLP).**

The Sub-Committee appreciated it has discretion when considering the merits of the application but took the view that granting the application would be contrary to other policies. The Sub-Committee had regard to all relevant policies under the SLP in particular Policy PN1: The Prevention of Public Nuisance.

Policy PN1 states: **“To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews”.**

The Sub-Committee sympathised wholly with the Applicant that businesses are struggling in the current climate, but exceptionality must first and foremost be proven in accordance with the policy aims and objectives. Regrettable on this occasion it had not been demonstrated as to why the Sub-Committee should depart from the policy requirements.

**This is the Full Decision of the Licensing Sub Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
12 August 2021**

2. 1 PM: LSC (3): LITTLE VEGAS, 3-5 WARDOUR ST, LONDON W1D 6PB

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3**  
**("The Committee")**

Thursday 12 August 2021

Membership: Councillor Jim Glen (Chairman) Councillor Susie Burbridge and  
Councillor Aziz Toki

Officer Support: Legal Advisor: Vivienne Walker  
Policy Officer: Kerry Simpkin  
Committee Officer: Georgina Wills  
Presenting Officer: Michelle Steward

**Application for a New Premises Licence – Little Vegas 3-5 Wardour Street**  
**London W1D 6PB - 21/02686/LIGN**

**FULL DECISION**

**Premises**

Little Vegas, 3-5 Wardour Street, London W1D 6PB

**Applicant**

Chongie Entertainment Limited

**Cumulative Impact Area?**

West End Cumulative Impact Area

**Special Consideration Zone**

N/A

**Ward**

St James's Ward

**Summary of Application**

This is an application for a new Gambling Premises Licence under the Gambling Act 2005 ("The Act"). The Premises have had the benefit of a Gambling Act Premises Licence from April 2015 to August 2020. The Premises were previously a Betting Shop (Joe Jennings Bookmakers). The Applicant seeks to operate as an adult

gaming centre (AGC) effectively allowing for gaming machines available for use on the premises.

According to the application, this premises plans to operate as an Adult Gaming Centre (AGC). The application has been made under Section 187 of the Gambling Act 2005 (2005 Act).

AGC premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority.

The holder of an adult gaming centre premises licence that was issued prior to the 13th July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13th July 2011 may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

There are no default operating hours for an AGC and therefore none have been specified in the application.

### **Representations Received**

- Metropolitan Police Service (MPS)
- (PC Bryan Lewis)
- Licensing Authority (Roxsana Haq)

### **Summary of issues raised by objectors**

- MPS objected as they had concerns the application may not promote the licensing objectives, noting the plan to trade 24 hours a day in a high risk area. MPS were concerned the applicant had not proposed any licence conditions to support the steps offered to manage risk.
- The Licensing Authority raised concerns as to how the premises, if granted a licence, would promote the licensing objectives – in particular with regards to preventing gambling from being a source of crime or disorder, ensuring that gambling is conducted in a fair and open way and protecting children and other vulnerable people from being harmed or exploited by gambling.

### **Policy Position**

Under Policy OBJ1, in order to prevent gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime the Licensing Authority will apply the criteria and take into account the considerations set out in Policy OBJ1.

Under Policy OBJ2, to ensure that gambling is conducted in a fair and open way the Licensing Authority will apply the criteria and take into account the considerations set out in Policy OBJ2.

Under Policy OBJ3, to protect children and other vulnerable people from being harmed or exploited by gambling the Licensing Authority will apply the criteria and take into account the considerations set out in Policy OBJ3.

Under Policy AGC1, applications will be determined subject to the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 and other policies in the Statement of Licensing Policy (SLP).

Under Policy LOC1, applications within a sensitive location must include detailed information as to how the proposals will be reasonable consistent with the gambling objectives and Policies OBJ1, OBJ2 and OBJ3.

### **DECISION AND REASONS**

Ms Michelle Steward, Senior Licensing Officer, presented the report that was before the Sub-Committee. She noted that representations had been received from the Licensing Authority and the Metropolitan Police Service. The Premises are situated within the St James's Ward and are within the West End Cumulative Impact Area (CIA).

Mr Paddy Whur, solicitor acting on behalf of the applicant, explained he would deal with two main issues – the locational issues and the operator issues. He noted that the ethos of the Gambling Act is that the Sub-Committee should be aiming to permit the application. Mr Whur noted that there had been no neighbour or business representations made against the application. Similarly no ward councillor representations. Further, conditions had been agreed with the MPS.

Mr Whur explained that the Premises previously traded as a gambling premises going back to the 1980s, but certainly since 1996. The Premises flipped in about 2015 to becoming a bookmakers. As such, these premises have been licenced going back to the 1980s and there was no evidence before the Committee that this location was problematic or inappropriate.

In relation to the operator, Mr Whur explained that the operator already has 4 gambling licences with 2 others awaiting. Mr Whur pointed to the track record of Bryan Evans, the compliance officer. The Gambling Commission had signed off the applicant's proposed policies for the Premises. Mr Whur submitted that the Committee could be satisfied that the applicant sits at the very highest end of responsible operating.

Mr Whur noted that the applicant company had created their head office in the room above the Premises.

In relation to the Social Responsibility and Compliance Policy, Mr Whur pointed in particular to paragraphs 2 and 3 which address the licensing objectives set out in the Gambling Act. Mr Whur submitted that premises such as this one do not feature as issues identified by the Gambling Commission – noting that AGCs do not cause the

issues that betting shops do. Critically, AGCs are able to interact and ensure that individuals are not gambling beyond what their means are. He further noted that no under 18s are allowed in.

Mr Whur submitted the Committee could take comfort in the agreed conditions. He explained that the applicant had offered 30 conditions on top of the 3 mandatory conditions. These were all to ensure the licensing objectives were promoted. He noted that no ATM would be in the Premises, which is permitted under the law.

In relation to the additional evidence relating to Pleasure Fairs (Amusement Premises) Byelaw, Mr Whur submitted that this didn't apply to AGCs. Mr Whur concluded by submitting that there could not be a more suitable site than the Premises.

In response to questions by Members of the Sub-Committee:

- (c) The operating licence was applied for over a year ago and granted by the Gambling Commission. The first of the applicant's premises should open in September in Wood Green;
- (d) There will always be a minimum of 2 members of staff at the Premises, supported by at least one SIA door staff between 18:00 hours – 06:00 hours. Mr Whur noted that the most customers likely to be in the Premises would be 6 to 8;
- (e) The maximum number of machines in the Premises be in the region of 35;
- (f) Following discussions with the MPS and having looked carefully at the location, the applicant had agreed not to have an ATM in the Premises;
- (g) There is no interaction or link between the Premises and the licensed premises below which is part of the restaurant adjoining the Premises;
- (h) The Premises have a customer area on the first floor as well as the ground floor. Both are covered by CCTV and if there are customers on each floor there would be staff on each floor;
- (i) The machines retain the money until there is a secure cash collection which will take place at times when it is secure to do so – the Premises will be closed and the doors will be locked. This will take place at different times as a security measure;
- (j) Customers exchange tickets at a machine in the Premises rather than over a desk;
- (k) In relation to the Byelaws, Mr Whur requested the Committee to deal with the application with no restriction on the hours as is envisaged by the Gambling Act. He submitted that these Byelaws stand on their own feet and shouldn't be imposed as part of the licence condition;
- (l) The applicant wishes the Premises to operate 24 hours a day. The hours limitation on SIA door staff is because that reflects what was requested by the MPS;
- (m) The applicant had not spoken to local hostels however the applicant could do this prior to the Premises opening;
- (n) The applicant was willing to accept a condition limiting the maximum number of machines to 45;
- (o) Whilst the policies may be generic, the training is bespoke for the location of the Premises;

- (p) There are limits on individual machines but no limit on the maximum amount a customer can cash out. All customers on the Premises will be monitored.

PC Bryan Lewis, of the Metropolitan Police Service, stated that the Police objection as based on insufficient conditions. An extensive set of conditions have now been agreed, however the MPS have maintained their objection so that PC Lewis could be present to assist the Committee and he considers it a matter best determined by the Committee.

PC Lewis stated he wasn't happy with CCTV being monitored on a phone as it is difficult to use – they need a proper monitor which should be in the staff area. PC Lewis stated he would like CCTV on the plans, aside from covert cameras, so that MPS can ensure that all cameras are working properly. In relation to having a door supervisor during the daytime, PC Lewis clarified this was something for the applicant to risk assess themselves.

In response to questions by Members of the Sub-Committee,

- (b) This particular location is a hotspot for crime and disorder. However, PC Lewis noted that there are not many problems on AGC premises compared to betting shops;
- (c) PC Lewis stated he was satisfied that the Premises would promote the licensing objectives and, in any event, MPS would be monitoring the Premises and would step in if and as needed;
- (d) Any CCTV monitor would have to be in a private area so police can look at it without other people present.

Ms Roxsana Haq, of the Licensing Authority, explained the Licensing Authority had maintained their representation because it was an application for a new AGC. Ms Haq referred the Committee to the Licensing Authority's representation.

Ms Haq stated the location of the Premises is relevant and something to be considered by the Committee members. Ms Haq referred the Committee to the Policy definition of a sensitive location – she said that the local area profile needs to be taken into account. Ms Haq noted the Premises are between two restaurants and has a pub opposite it, which can attract under 18s and vulnerable people. Furthermore, because of the location signs and information would need to be translated.

Ms Haq noted there are some issues with rough sleeping in the area.

Ms Haq referenced Policy AGC1 and that Members must be satisfied that the requirements of it have been met.

She noted that the operator would be required to comply with the Pleasure Fairs (Amusement Premises) Byelaws. She stated that these had been approved under a different statutory regime – the interaction between the byelaws and the licence is similar to the interaction between the planning and licensing regimes.

In response to questions by Members of the Sub-Committee,

- (b) The Licensing Authority consider the location of the Premises as a sensitive location as defined in policy;
- (c) The area is a hotspot, noting hostels and schools. However, the measures proposed by the applicant do go some way to mitigating those concerns.

### **Conclusion**

The Sub-Committee carefully considered the objections received from the Licensing Authority and the Metropolitan Police Service.

The Sub-Committee in its determination of the matter considered the agenda papers and the additional information submitted by the Applicant in the Additional Information Pack which included a Case Outline submitted prior to the hearing by the Applicant's legal representative, Mr Paddy Whur.

The Applicant also offered a raft of conditions, including the conditions agreed with the Metropolitan Police Service as set out on pages 147-149 of the Agenda Pack. The Sub-Committee placed particular reliance on the fact that the Applicant had agreed to a number of additional conditions and informatives during the hearing.

The Sub-Committee considered the evidence before it and whether the three licensing objectives are reasonably consistent with the application so as to permit the use of the Premises for Gambling. Section 1 of the Act sets out the three objectives as follows:

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

The Sub-Committee decided that the Applicant had provided valid reasons as to why the application should be granted given the extra conditions to the licence agreed by the Applicant with the relevant authorities and the Licensing Sub-Committee. The Sub-Committee was satisfied that the test as set out in the provisions of the Act had been met.

The Sub-Committee applied the principles it should follow under section 153 of the Act and the Gambling Commission's Licence Conditions and Codes of Practices as well as the City Council's Statement of Principles for Gambling Policy when considering the application. The application was duly considered on its individual merits.

Having carefully considered the committee papers and the submissions made by the parties, both orally and in writing, **the Sub-Committee decided**, after taking into account all the individual circumstances of this case and the requirements of section 153 of the Act which includes consideration of the three licensing objectives:

1. To grant permission for **an Adult Gaming Centre Premises Licence for the following hours: Monday to Sunday 06:00 to 06:00 hours**

2. To grant permission for **the Hours the Premises are open to the Public: Monday to Sunday 06:00 to 06:00 hours**
3. The Licence is subject to any relevant mandatory conditions.
4. The Licence is also subject to the following additional conditions and **Informatives** imposed by the Sub-Committee which are considered appropriate and proportionate to comply with Section 153 of the Act. It was the Sub-Committee's view that the Conditions imposed on the Licence together with the various established policies and procedures to be implemented by the Applicant, as set out in the application, and supporting documentation, provided to the Sub-Committee in advance of the hearing, which included the promotion of responsible gambling and its day to day management of the running of the Premises would mitigate the concerns raised by the Licensing Authority and the Metropolitan Police Service, in addition to the high level of regulation the Premises are already subjected to by the Gambling Commission.

**Conditions imposed by the Committee after a hearing (with the agreement of the Applicant)**

5. There shall be a minimum of one SIA licensed door supervisor from 18:00 to 06:00 hours daily, and the licence holder shall risk assess the requirement for a SIA door supervisor at all other times as required. The licensed door supervisors shall predominantly manage the door to the premises so as to monitor customers entering and exiting the premises and display their licence at all times in a yellow hi viz arm band.
6. The licence holder will contact the local police and local councillors quarterly to discuss the operation of the premises and any issues.
7. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the gaming area, office, toilet entrance, any seating and external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
9. A member of senior management from the company who is conversant with the operation of the CCTV system shall be available to provide the police or authorised council officers with copies of recent CCTV images or data within 24 hours of a request.

10. The entry and egress doors at the front of the premises shall be kept closed at all times except for the immediate entry and exit of patrons and staff.
11. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
12. A 'spotter monitor' shall be placed inside the premises near the front door showing CCTV images of customers entering, exiting and whilst on the premises.
13. A CCTV monitor shall be placed inside the staff room so that staff can view live CCTV images of customers within the premises as well as those entering and exiting.
14. The Licence holder shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the Police or Licensing Authority forthwith on request.
15. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
16. Third party testing on age restricted sales systems purchasing shall take place at least twice a year and the results shall be provided to the Licensing Authority upon request.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable by staff.
19. Staff will receive a notification when the front door opens.
20. There shall be no less than 2 staff members, excluding the SIA door supervisor present at all times the premises are open to the public.
21. The Licence holder shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
22. The licence holder will refuse entry to customers who appear to be under the influence of alcohol or drugs.
23. At least one member of staff working at the premises shall have a minimum of 6 months experience working in licensed gambling premises.
24. The licence holder shall ensure that all seating within the premises is either secured to the floor or are weighted to prevent lifting.

25. The licence holder shall install and maintain an intruder alarm on the premises.
26. The premises shall install and maintain fixed panic buttons and in addition portable panic buttons will be worn by staff.
27. Gaming machines shall not be emptied whilst customers are present on the premises and the doors are unlocked.
28. The licence holder will ensure that customer toilets are checked every hour for evidence of drug taking. Toilet checks are to be documented stating the time and member of staff who made the checks. Toilets will remain locked at all times with access being provided by staff.
29. All public signage/documentation relating to age restrictions, gambling advice and gambling support information (e.g., GamCare or similar support service) is displayed or provided on the premises in written English and Chinese (Simplified and Traditional).
30. All notices regarding gambling advice or support information must be translated into both simplified and traditional Chinese.
31. The licence holder shall provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme, periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives. Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.
32. All front of house staff will receive Conflict Management Training, provided by instructors qualified to a formerly recognised national standard on dealing with conflict.
33. New and seasonal staff must attend induction training and receive refresher training every six months.
34. Staff will also undergo drug and alcohol awareness training to include Homeless and Street Drinking.
35. The licence holder shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.
36. Customers shall not be permitted to leave bags or other belongings at the premises.
37. The licence holder shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises will not

be permitted to enter the premises and those who attempt do so will be banned from the premises.

38. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (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
  - (g) any visit by a relevant authority or emergency service.
39. There shall be no cash point or ATM facilities on the premises.
40. The licence holder will contact the local homeless hostels/shelters and offer to provide information on problem gambling support services and how their residents can self-exclude from the Little Vegas premises.

#### **INFORMATIVES:**

41. The Applicant is reminded that they should comply with the Council's Byelaws, namely, the operation of the premises as an Adult Gaming Centre and the making of gaming machines available for use will be subject to Westminster City Council's Pleasure Fairs (Amusement Premises) Byelaws made in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976, which will have the effect of reducing the opening hours of the business from those permitted under the Gambling Act 2005 and so granted by this licence.
42. The Applicant's representative gave an Undertaking to submit an amended plan of the premises to the Licensing Authority within 21 days of the grant of the Licence. The said plan must show the following:
  - That the screen is removed from the front of the premises.
  - That the ATM is removed.
  - CCTV cameras except covert cameras.
  - Location of any cashing out machine.
  - A room (private area) where the Police can have access to CCTV recordings that have been made by the premises CCTV system.

**This is the Full Decision of the Licensing Sub Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
12 August 2021**

