



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Wednesday 16th February, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Karen Scarborough (Chairman), Barbara Arzymanow and Aicha Less

#### 1. MEMBERSHIP

THERE WERE NO CHANGES TO THE MEMBERSHIP.

#### 2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

#### APPLICATIONS

#### 1. 38 BRUTON PLACE, W1J 6NX

#### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4

Thursday 16<sup>th</sup> February 2022

Membership: Councillor Karen Scarborough (Chair), Councillor Barbara Arzymanow and Councillor Aicha Less

Officer Support: Legal Advisor: Steve Burnett  
Policy Officer: Kerry Simpkin  
Committee Officer: Sarah Craddock  
Presenting Officer: Karyn Abbott

Applicant: Alun Thomas (Solicitor) representing the Applicant, Lahiru Jayasekara, of Tila Brunton Deli Ltd

**Application for a New Premises Licence for 38 Bruton Place, London W1J 6NX -  
Ref No. 21/11580/LIPN**

**Full Decision**

**Premises**

38 Bruton Place,  
London  
W1J 6NX

**Ward**

West End

**Summary of Application**

The Sub-Committee has determined an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises is to operate as a delicatessen selling alcohol for consumption off the premises.

**Applicant**

Tila Brunton Deli Limited

**Cumulative Impact Area?**

N/A

**Licensable Activities and Hours applied for**

**Sale of Alcohol 'Off' the premises**

Monday to Saturday 08.00 to 21.00 hours and  
Sundays 09.00 to 21.00 hours.

**Opening Hours of the Premises:**

Monday to Saturday 08.00 to 21.00 hours and  
Sundays 09.00 to 21.00 hours.

**Representations Received**

- Metropolitan Police (**Withdrawn**)
- Mr C Holder – Local Resident, Represented by PowerHaus Consultancy (**Withdrawn**)
- Robert Fowlds - Local Resident

## **Summary of Objections**

*Grant of the application will cause increased noise and congestion in an area which already suffers from traffic and noise pollution and the sale of alcohol will attract consumers who would be a threat to public safety.*

## **Summary of Application**

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act").

The Premises proposes to operate as a delicatessen selling alcohol for consumption off the premises. The premises is over a ground floor.

The Premises is located within West End Ward. It is not located within the Cumulative Impact or Special Consideration Zones.

There is a resident count of 125.

## **Policy Considerations**

### **HRS1**

- Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. 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 demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

### **SHP1**

- Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1 and the hours for licensable activities are within the council's Core Hours Policy HRS1.
- The application and operation of the venue should also meet the definition, of a shop in Clause C, namely:
  1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.
  2. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

## **DECISION AND REASONS**

Karyn Abbott, Senior Licensing Officer summarised the application set out in the report before the Sub-Committee. She explained that the application was for a new Premises Licence which sought to permit the sale of alcohol for consumption off the Premises. She further advised that additional submissions had been received from the Applicant which had been circulated to all the relevant parties.

Mr Thomas, Solicitor for the Applicant outlined the application and explained the planning had been granted last week. He directed the Sub Committee to his written summary of the proposals.

Mr Jayasekara, the Applicant gave a history of his career as a chef and advised the Sub Committee that he would have deliveries daily by way of an electric vehicle. He will operate as a deli, selling food and alcohol for consumption of the premises. He intends to trade with minimal impact on the environment. In response to questions from the Members, Mr Jayasekara confirmed that there would be no seating and that he would trade with 3 to 4 additional members of staff.

Mr Thomas highlighted that there were no outstanding objections from the Authorities, as conditions had been agreed.

### **Conclusion**

The Sub-Committee considered the application on its individual merits. In reaching their decision, the Sub-Committee took into account all the committee papers, supplementary submissions made by the Applicant, and the oral evidence given during the hearing in its determination of the matter.

The Sub-Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance, Westminster's Licensing Policy and on the evidence before them, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.

In reaching its decision, the Sub-Committee took into consideration the evidence and conditions agreed during the hearing.

The Sub-Committee was also of the opinion that the conditions to be imposed on the premises licence would ensure that the four licensing objectives were promoted.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

**The Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for the **Sale of Alcohol (for consumption off the premises)**

Monday to Saturday 08.00 to 21.00 hours and  
Sundays 09.00 to 21.00 hours.

2. To grant permission for the **Opening Hours of the Premises:**

Monday to Saturday 08.00 to 21.00 hours and  
Sundays 09.00 to 21.00 hours.

3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following additional conditions which are considered appropriate and proportionate to promote the licensing objectives.
5. To delete proposed condition 15 detailed at page 9 of the Additional Information Pack.

### **Conditions imposed by the Committee after a hearing**

1. 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 is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

4. A Challenge 21 or 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.

5. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

6. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
7. There shall be no self-service of spirits on the Premises, save for spirit mixtures less than 5.5% ABV.
8. There shall be no food delivery service operated from the Premises, ancillary or otherwise.
9. No collections of waste or recycling materials (including bottles) from the premises shall take place between (18:00) and (10:00) on the following day Monday to Friday or at any time on a Saturday or Sunday.
10. No deliveries to the premises shall take place between (16:00) and (10:00) on the following day Monday to Saturday or at any time on a Sunday.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. All key members of staff responsible for selling alcohol shall be trained on the hours the premises are permitted to sell alcohol to ensure no sales can take place outside the permitted hours.
13. Customers shall not be permitted within the Premises between the hours of 21:00 and 08:00 daily.
14. Loudspeakers shall not be permitted at the Premises.
15. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
16. Before the premises are open to the public under the licence, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the work carried out. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**This is the Full Decision reached by the Licensing Sub-Committee.**

**This Decision takes immediate effect.**

**16<sup>th</sup> February 2022.**

**2. SILVERTON AMUSEMENT LTD, 32 GERRARD STREET, W1D 6JA**

**WCC LICENSING SUB-COMMITTEE NO. 4 (“The Committee”)**

Wednesday 16 February 2022

Membership: Councillor Karen Scarborough (Chairman), Councillor Barbara Arzymanow and Councillor Aicha Less

Officer Support: Legal Advisor: Steve Burnett  
Policy Officer: Kerry Simpkin  
Committee Officer: Sarah Craddock  
Presenting Officer: Karyn Abbott

**Application for a New Gambling Premises Licence in respect of SILVERTIME, 32 GERRARD STREET LONDON W1D 6JA - 21/07775/LIGN**

Present: Philip Kolvin QC (Legal Representative, Silvertime Amusement Limited), Chris Rees-Gay (Legal Representative, Silvertime Amusement Limited), Ed Reed (Owner and Director, Silvertime Amusement Limited), Phil Wheeler (Compliance Manager, Silvertime Amusement Limited), Kevin Jackaman (Licensing Authority), Edmond Yeo (Chinese Information and Advice Centre) and Richard Brown, (Citizen Advice Bureau, representing the Chinese Information and Advice Centre).

**Full Decision**

**Premises**

Silvertime, 32 Gerrard Street, London W1D 6JA

**Applicant**

Silvertime Amusement Limited

**Ward**

St James's

**Summary of Application**

This is an application for a new Premises Licence under section 159 of the Gambling Act 2005 (“The Act”). The Premises is to operate as an Adult Gaming Centre (AGC) on a ground floor premises.

There is a resident count of 101.

## **Activities and Hours applied for**

The Applicant has not specified the hours for trading in their application.

## **Representations received**

- Licensing Authority (Kevin Jackaman)
- 20 Interested Parties including the Chinese Information and Advice Centre

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

### **The Licensing Authority**

The Licensing Authority maintained their representations on the grounds contained within the 2005 Act namely:

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

The Licensing Authority were further concerned about:

**Vulnerability:** The Licensing Authority notes that this premises is situated within the busy "Chinatown" area with a large number of licensed premises in the immediate vicinity. The area is an attraction to vulnerable persons and in particular those with problems with gambling and/or alcohol or drug abuse problems. The Licensing Authority note that there are 2 hostels within 250 metres of the premises catering for vulnerable people. Due to the premises location, the local area profile is something that should be considered when determining this application. Given the close proximity of the above, the Licensing Authority is of the view that the premises fall within a "sensitive location".

**Location and History of the Premises:** Gerrard Street is located within the busy "Chinatown" area of Central London which consists of predominantly commercial licensed premises and is a short distance Leicester Square. After doing a 250-metre radius search of the premises the Licensing Authority has identified 1369 residents and 63 licences under the Gambling Act 2005, this includes 5 betting shops, 3 non-commercial society lotteries, 2 Adult Gaming Centres, 8 Casinos, 1 Bingo Hall and 44 gaming machine permits. A further search was carried out using GIS mapping which revealed 2 hostels and 5 faith groups.

### **The Chinese Information and Advice Centre (CIAC)**

The Centre believe that an Adult Gaming Centre at this location in the middle of Chinatown would harm the licensing objectives especially protecting "vulnerable persons from being harmed or exploited by gambling". Although there was previously a betting shop on this site it was not open 24 hours 7 days a week and there were fewer gaming machines available. Both the longer opening hours and the increase in

gaming machines are likely to attract vulnerable late at night and these people are more likely to be inebriated.

Interested Parties had maintained their representations on the grounds contained within the 2005 Act namely:

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

Residents were also concerned about Public Nuisance and the detrimental impact gambling establishments were having on the centre of Soho and that the premises is not suitable for the area and will have a negative impact on Chinatown and tourism.

### **Summary of the Application**

The Sub-Committee has determined an application for a new Premises Licence under section 159 of the Gambling Act 2005 ("The Act") by Silvertime Amusement Limited for a New Gambling Premises Licence in respect of Silvertime, 32 Gerrard Street, W1D 6JA.

The premises were previously licensed as a betting shop (Betfred) with a Betting Shop (Other) licence under the Gambling Act 2005 from October 2010. The licence was surrendered in November 2020.

### **Policy Position**

Policies OBJ1, OBJ2, OBJ3, AGC1 and LOC1 of the City of Westminster Statement of Licensing Principles for Gambling apply.

## **DECISION AND REASONS**

Ms Karyn Abbott, the Presenting Officer, provided a summary of the application to the Sub Committee and confirmed that representations had been maintained by the Licensing Authority, 20 local residents including the Chinese Information and Advice Centre (CIAC). The CIAC had also submitted additional information which had been circulated to all parties.

Ms Abbott advised that the Premises was situated in the St James's Ward.

Mr Kolvin, Counsel, representing the Applicant, outlined the application before the Sub-Committee. He explained that his client was an experienced London operator and that the premises had operated as a betting shop for 10 years up to 2020 without history of regulatory difficulties or complaint. He advised that the hours applied for were modest, the agreed conditions were in direct response to the locality of the premises and that the application was reasonably consistent with the Licensing Objectives.

Mr Kolvin advised the Sub-Committee of the following points:

- The Planning Committee had considered the locality of the premises and had granted planning permission for the premises to be used as an AGC until midnight. The premises, therefore, would have much shorter operating hours and far more conditions than any other AGC Gambling Premises covered by Westminster City Council. The Application is now for the premises to open from 9 am to midnight. The proposed conditions included having 2 members of staff on the premises along with a SIA in the evenings and staff training.
- Risk Assessments had been carried out and an analysis of GeoFutures was conducted to mitigate local residents and resident association's concerns. Detailed management, operational and training plans had been attached to the Agenda Pack. Mr Kolvin emphasised that the operator was a very experienced operator of gambling premises. He confirmed that the Applicant had discussed the proposed conditions with the Police and the Police were content with the proposal for 32 Gerrard Street.
- There is an extensive list of proposed conditions from the Applicant starting at page 58 of the Agenda Pack. He discussed with the Sub-Committee how the Applicant would liaise with the local community and how the business would operate with CCTV and a spot monitor monitoring the front door. He confirmed that all notices both outside and inside of the premises would be in English, Chinese and Mandarin. He outlined that there would always be two members of staff on duty (one with at least six months experience and the other one with at least three months experience) and that the Applicant would be content with a condition stating this. There would be a SIA on duty from 6pm until midnight. He advised that staff would be given an induction and refresher training, which would include specific training regarding the local risks such as the vulnerability of people in the area.
- Reasonable steps would be taken to prevent street drinking, there would be no ATM cash machine on the premises and tea and coffee would be provided to customers only. Mr Kolvin highlighted that the premises needed to abide by the extensive regulations under the Gambling Commissions Licence Conditions and the Code of Practice.
- Mr Reed, the Applicant, would visit the premises every day for the first two months and/or until all systems were established and running smoothly. Mr Reed would then visit the premises weekly. Mr Kolvin referred to Mr Reed's premises at 426 Edgware Road which had been in operating for seven years, 24 hours a day and had no conditions attached to its Premises Licence but still promoted the licencing objectives. He emphasised that this demonstrated that Mr Reed could operate a safe and responsible Gambling Premises in Westminster and could be trusted to uphold the licencing objectives.
- The Premises had been used as a betting shop for the past 10 years and had operated without conditions or problems arising until late 2020. Mr Kolvin advised that the premises would benefit from supervision and surveillance, there would be a SIA available after 6pm, alarms and panic buttons would be

installed, there would be no cash on the premises and no children allowed to entry the site. He highlighted again that the other gambling premises in the local area had no additional conditions attached to their Premises Licence.

- The objections to the application because of the area's character and its tourism potential were planning and not licensing matters, the number of gambling premises in the locally was statutorily irrelevant and the Council's Cumulative Impact Policy did not apply to gambling applications.

Mr Kolvin acknowledged to the Members that the premises was in a sensitive area and therefore the Applicant had undertaken and produced a detailed local risk assessment document which had resulted in the creation of the 30 proposed conditions to be attached to the Premises Licence. Mr Kolvin advised that there were three other gambling premises with longer hours and no conditions operating in the area which were not causing any problems or harming the licensing objectives. He then referred to a digital gambling tool which indicated a location's gambling risk index. He advised that Gerrard Street was below the median point at 34.7% and was even below the median point of the Applicants existing Edgware Road site. He stated that the key difference between the Applicant and the other operators in the area was that Mr Reed would have the shortest hours and the longest list of conditions on his Premises Licence.

Mr Kolvin advised that the Metropolitan Police had not objected to the application because these types of premises did not create crime and disorder. He further advised that the Police were satisfied with the SIA condition that would be attached to the premises Licence. Mr Kolvin then explained that the clientele that frequented clubs and pubs were different to the clientele visiting AGC venues. He highlighted that there had been no objection from the Child Protection Authorities or any local school or hostel in the area. He confirmed that any person entering the Premises that looked under 18 years of age would be immediately asked for ID and staff training would ensure that customers were approached appropriately. The Applicant confirmed that they would accept a condition requiring all staff employed at the premises shall have at least 3 months working with the Company.

Mr Kolvin referred to Mr Brown's submissions and advised that the premises being in a cumulative impact area, the iconic nature of the location and the hustle and bustle of the restaurants, café and shops were not reasons to refuse the AGC licence, especially as, if granted, the premises would have earlier hours and far more conditions than other AGC Gambling Premises in the locality.

Mr Brown's submissions also made reference to Gambling Vulnerability Zones which is not relevant as it relates to Westminster's draft policy and in addition, Mr Kolvin confirmed that his client would welcome representatives from the Chinese community being present at staff training.

Mr Kolvin referred to betting shops and commented that they allowed unlimited stakes unlike AGCs which had set stakes and prizes for each machine set by law by the Gambling Commission. He added that AGCs tended to cause fewer local issues than betting shops, hence the default hours for betting shops were 10pm. He further added that there were no policy presumptions against AGCs. However, several factors were considered including proof of age schemes, entry control systems and

suitable notices displayed in the premises and leaflets available to customers. Mr Kolvin confirmed that the Applicant had complied with these requirements and therefore with the Council's Policy.

It was acknowledged that the premises was located in a sensitive location.

The Sub-Committee acknowledged that some resident's concerns related to the number of Gambling Premises in the area and the nature of the area. The Sub-Committee confirmed that these were not reasons to refuse a gambling application and the concept of 'need' is not relevant to their decision.

The Sub-Committee expressed serious concerns about the risks in particular to vulnerable adults and asked how the Applicant would reduce risk of harm from gambling. In response, Mr Kolvin advised that the Applicant considered that two members of staff would be enough to manage the premises during the daytime as most premises operated with one member of staff. He advised that the number of customers were monitored in these types of premises and the number of staff needed was adjusted to meet customer demand. He stated that there would be around 105 machines and 30 tablets on the premises. This is to give patrons choices.

The Sub-Committee asked how the Premises would tackle vulnerable people attending their premises and in particular those with gambling and/or alcohol or drug abuse problems. Mr Kolvin explained the company's intense training programme and how staff monitored their customer's behaviours. He submitted that customers might indicate their vulnerability by extreme hitting of a machine, signs of irritation, anger and stress, the borrowing of money from people, using different cards in the ATM machine, chasing loses and the length of time gambling. The gambling legislation required the operator to engage with such a customer which could result in several different outcomes: the customer leaving the premises, the customer acknowledging that he had a problem and being handed self-help literature or the customer entering into a self-exclusion agreement which could last up to 6-12 months. He confirmed that all such interactions with customers were recorded.

Mr Kolvin outlined:

- a customer would not be allowed on the premises if they were intoxicated.
- customers would be allowed on to the premises with a rucksack. Risk assessments would be undertaken to prevent the homeless on the site.
- tea and coffee, and the toilets were for customers only.
- winnings were via ticket so there was no cash circulating on the Premises.
- Risk of terrorism and bag searches would be addressed in risk assessments.

Mr Kevin Jackaman, representing the Licensing Authority, outlined that the Council's Policy AGC1 states 'Applications will be determined, subject to relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within the Statement of Licensing Principles for Gambling'. Mr Jackaman explained that Policy LOC1 of Westminster's Statement of Licensing Principles for Gambling states that 'a sensitive location is defined as any premises which is within close proximity or on a main route to a school, educational institution, hostel or other sensitive locations where there is

the potential for exposing children, young people or other vulnerable persons to gambling'. He advised that the proposed location of this new adult gaming centre must be considered as part of this application due to the local area profile and its potential to impact upon the promotion of the three gambling objectives. He added that these premises were situated in close proximity to many licensed premises and those businesses can attract a variety of age groups including the vulnerable and therefore the local area profile was something that should be considered when determining this application.

Mr Jackaman advised the Sub-Committee of the relevant criteria in policies OBJ1, OBJ2, OBJ3. The Sub-Committee noted that that the Applicant had provided extensive documentation regarding the operation of their business, the proposed operation of this Premises and had proposed 30 conditions to minimise the harm to vulnerable people including the homeless, mentally impaired, young people and people gambling beyond their means.

Mr Jackaman referred the Sub-Committee to the Council's Byelaw for Pleasure Fairs (Amusement Premises) in pursuance of section 75 of the Public Health Act 1961 (the 1961 Act) as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976. He advised that this byelaw applied to Adult Gaming Centres as the premises were used to provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes and that the opening hours of such Premises was from 9am to midnight only.

Mr Jackaman concluded by advising the Sub-Committee that they must be satisfied when the determining the application that the Applicant could comply with policies OBJ1, OBJ2, OBJ3 as well as Policy LOC1.

Mr Richard Brown, representing the Chinese Information and Advice Centre (CIAC), advised that they did not accept that the application was simply seeking to swap one gambling use for another and that the proposed use would be more impactful due to the increased gaming machine entitlement and the proposed hours of operation. He explained that the previous betting shop licence was to provide facilities for betting (with a category B machine entitlement tacked on). However, the Cat B machine entitlement for an ACG was its primary purpose. The application would specifically permit category B machines in greater numbers. B3 machines now have the same maximum stake and prize as the B2 machines, and a quicker game play than B2 machine roulette games. This was significantly important to the business model as betting shops were only allowed to have 4 category B machines on the Premises whereas an AGC could have 20% of the total number gaming machine, filled with category B machines.

Mr Brown read to the Sub-Committee of Paragraph 27.3 of the Council's policy LOCI: 'Because gaming machines provide opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. The council in considering premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18-year-olds are not attracted to, or gain access to, the premises.'

Mr Brown informed the Sub-Committee that the premises was located within a sensitive location due to it being in the heart of the West End and China Town and within the cumulative impact area which highlighted the challenges in this part of the West End, due to the numerous premises licensed under LA03 in close proximity to the applicant's premises. He added that this importantly made the distinction between this Premises and the Applicant's other Premises such as the one located in Edgware Road. Mr Brown confirmed that he believed that the applicant was a reputable operator however, he wanted the Applicant to focus on this premises and the issues in this particular area.

Mr Brown explained that there was concern about the vulnerable people that were hard to spot such as the homeless, inebriated, shift-workers and people that were addicted to gambling and how difficult it would be to engage with them especially if there were only two members of staff present on the Premises. He suggested that there should always be three members instead of two members of staff on duty to deal with the management of the operation as well as the vulnerable people that attend the premises.

Mr Brown informed the Sub-Committee of Section 153 of the Gambling Act 2005 and advised that the Act stated that it should be the 'aim to permit' not it 'must permit' a gambling Premise Licence and therefore, if the circumstances were inappropriate to grant an application the Sub-Committee had every right to refuse it.

Mr Edmond Yeo, representing the Chinese Information and Advice Centre (CIAC), advised that the Centre was a front-line service for the vulnerable as well as a place where the Chinese community could come for advice and information. He shared information on how gambling affects individuals as well as their families and leads to broken families and domestic abuse. He requested that the Sub-Committee did not grant this gambling Premises Licence in the heart of Chinatown.

The Sub-Committee adjourned at noon and resumed at 12.40

The Sub-Committee advised that they were very concerned about the vulnerability aspect of the application especially the many homeless people in the area and the number of facilities/centres in the area that helped people with alcohol, drug and gambling addiction/abuse. The Sub-Committee further advised that they were concerned about how the operators were going to manage the tablets and how they would be used by customers.

Mr Kolvin confirmed that tablets were universally used in these establishments. He added although permitted, that it was unlikely that a customer would use two machines at any one time. Furthermore, it could be an indicator of risk and would trigger an intervention by staff. He confirmed that the Applicant would also be happy to accept model condition 70 regarding regularly liaising with the local alcohol, drugs and gambling facilities/centres and to have the Council's model condition 69 regarding luggage attached to the Premises Licence.

The Sub-Committee remained concerned that only 2 members of staff would always be at the premises. Members of staff have several roles to fulfil, they would have to monitor, assess customers, respond to customers who enter the premises or engage with customers already on the premises who are vulnerable and staff are entitled to

comfort breaks, lunch etc. Having a door supervisor from 6pm to closing also implies that vulnerability, homelessness, drug and alcohol abuse was not a 24-hr issue and it is in this area. The Sub-Committee explored a requirement to have 3 members of staff on the premises at all times, taking into account the concerns expressed in relation to management of the premises, access by vulnerable adults and children, local area and the size of the premises.

Mr Kolvin responded and stated that operators tended to chart customer activity in their premises and schedule staffing accordingly. They expect a maximum of 20 customers on the premises during their busiest periods. However, the Applicant would accept a condition to have three members of staff on duty if the Sub-Committee considered that it was necessary. He emphasised that the evidence before the Sub-Committee did not indicate that this was necessary. However, if it was the difference between a refusal or grant, then the Applicant would accept the increase but would prefer this to be on the basis of a risk assessment.

Counsel then referred to Mr Evan's report that stated that he had not found an issue with vulnerable people in or using the other Gambling Premises in the area.

In response, the Sub-Committee explained that they were troubled that Mr Evan's visits had taken place during Covid and lockdown, when many homeless people were given temporary accommodation in hotels and therefore Mr Evans evidence may not be a realistic picture of the area now. Mr Kolvin requested that the operator be allowed to risk assess the need for the number of staff on the premises. Mr Kolvin strongly advised that his Applicant wished to build and maintain good relationships with the community in the area.

## **In Summary**

Mr Richard Brown advised that this would be a premises with over 115 gaming machines which was a huge material difference to a betting shop that could only have four B3 machines. He welcomed the suggestion to always have three members of staff on duty at the premises due to the location and nature of the business.

Mr Kolvin reviewed the proposed conditions with the Sub-Committee and advised that the Applicant would liaise with all treatment facilities in the area, that it would be preferable to risk assess the number of staff needed on the premises and that staff training would comprise of vulnerability and conflict training and risks to the Chinese community. Counsel for the Applicant agreed to additional conditions, that all notices would be in Chinese (Simplified and traditional), the one member of staff on duty will be of assistant manager grade or above, that customers playing more than one machine will attract assessment by a member of staff, amendment of proposed condition 13, 14 and 24 and Model Conditions GMC58, 59, 69, 70 and 71 to be imposed where conditions relate to notices, support information, customer luggage and preventing street drinking.

Mr Kolvin referred the Sub-Committee to page 429 of the Agenda Pack and read out paragraphs 5.31 and 5.34 which advised the Sub-Committee that applications should be granted if conditions could be attached to the Premises Licence that could mitigate the local vulnerabilities and reasonably promote the licensing objectives.

Mr Kolvin emphasised that there had been no objection to the application from the Police or any local treatment centre and the Licensing Authority appeared to be satisfied with the application. Mr Kolvin further emphasised that his client had gone further than any other operator with the proposed conditions, the commitment to build and maintain local relationships and his reassurance of continuous risk assessments.

He concluded that gambling applications should be granted if they could reasonably comply with the licensing objectives.

### **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account the Gambling Act 2005, The Guidance, Westminster's current Statement of Principles for Gambling all the committee papers, the additional written documents and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee noted the Applicant was a responsible and experienced operator who had worked closely with the Police and the Responsible Authorities on the proposed conditions. The Applicant was willing to build and maintain relationships with the local community and ensure its staff were highly trained in dealing with vulnerable people and difficult situations. The Sub-Committee noted that the conditions and closing time would have the overall effect of promoting the gambling and licensing objectives.

In reaching its decision, the Sub-Committee concluded that the conditions imposed on the Premises Licence were appropriate and proportionate and would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the three licensing objectives: -

1. To grant the application for a Gambling Premises Licence in respect of 32 Gerrard Street, LONDON W1D 6JA.
2. That the Premises Licence is subject to any relevant mandatory conditions.
3. That the Premises Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives and which were read to the Applicant by the Legal adviser, Mr Burnett.

### **Conditions imposed by the Committee after the hearing**

1. A direct telephone number to the manager of the premises will be available at all times the premises is open. This number shall be made available to residents and businesses in the vicinity.

2. The licensee will liaise with any residents and local associations who would like to be contacted quarterly to discuss the operation of the AGC and any issues.
3. The licensee shall organise a meeting and invite local residents, residents' associations and local associations to discuss the operation of the premises at least once every six months. The licensee shall directly notify local residents, residents' associations and local associations of the meeting date and venue at least two weeks before the meeting.
4. For the purposes of conditions 2 and 3, local associations shall include local education facilities, homeless/rough sleeping hostels, drug, alcohol and gambling treatment/support services, places of worship, the Chinese Community Centre and the Chinese Information and Advice Centre.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (b) The CCTV system shall continually record whilst the premises is 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.
  - (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. All notices regarding gambling advice or support information must be provided in English and simplified and traditional Chinese.
8. All public signage/documentation relating to age restrictions, gambling advice, gambling support information (e.g. GamCare or similar support service) is displayed or provided on the premises in written in English and simplified and traditional Chinese.
9. 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.

10. 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.
11. The Licensee 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.
12. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
13. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.
14. 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.
15. Staff will receive an acoustic alert on the opening and closing of the entrance door which will require an appropriate response from staff.
16. Between 6pm and midnight there will be an SIA licensed door supervisor employed at the front entrance to the premises. The need for an SIA door supervisor at other times will be risk assessed. They shall display their licence at all times in a yellow high visibility arm band.
17. The total number of staff and licensed door supervisors shall at all times be a minimum of three.
18. One member of staff must be of Assistant Manager grade or above.
19. The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
20. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.
21. The licensee shall install and maintain an intruder alarm on the premises.
22. The licensee shall install and maintain fixed panic buttons and in addition portable panic buttons will be worn by staff.
23. The licensee 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.

24. Prominent GamCare documentation will be displayed at the premises together with other notices promoting responsible gambling. All such documentation and notices will be provided in English and simplified and traditional Chinese.
25. The licensee shall:
  - (a) provide induction training to all staff working at the premises;
  - (b) provide refresher training to every member of staff at least every six months. The training shall include the following:
    - (i) the specific local risks to the licensing objectives that have been identified for these premises;
    - (ii) drug and alcohol awareness training to include Homeless and Street Drinking.
    - (iii) Conflict Management Training. At least one of these training sessions each calendar year shall be provided by instructors qualified to a formally recognised national or equivalent standard on dealing with conflict.
    - (iv) Risks to the members of the Chinese Community.
  - (c) invite a representative from the relevant local associations (namely: local education facilities, homeless/rough sleeping hostels, drug, alcohol and gambling treatment/support services, places of worship, the Chinese Community Centre and the Chinese Information and Advice Centre) to relevant induction training being provided.
26. Participation in the said training shall be formally recorded on each member of staff's training records which will be available for presentation to the Licensing Authority immediately upon request.
27. At least one member of staff on duty at the premises shall have a minimum of 6 months experience working in a licensed Adult Gaming Centre and all members of staff shall have a minimum of three months experience working for the Licensee.
28. The Licensee 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.
29. The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.
30. An incident log shall be kept for the premises and made available on request to an authorised officer of the City Council or the Police which will record the following;
  - (a) All crimes reported to the venue;
  - (b) Any complaints received regarding crime and disorder;
  - (c) Any incidents of disorder;
  - (d) Any faults in the CCTV system;
  - (e) Any visit by a relevant authority or emergency service, and
  - (f). All ejections of patrons; g. All seizures of drugs or offensive weapons;

31. There shall be no cash point or ATM facilities on the premises.
32. Any tea/coffee/drinks facilities will be provided for playing customers only.
33. All seating within the premises shall be either secured to the floor or are weighted to prevent lifting.
34. Customers shall not be permitted to leave bags or other belongings at the premises.
35. The licensee will contact the local homeless hostels/shelters, Chinese Community Centre and Chinese Information and Advice Centre offering to provide information on problem gambling support services and how their residents and members can self-exclude from their premises.
36. The licensee shall ensure that staff are trained to identify and interact with any customers who are identified as playing more than one gaming machine, including tablet machines at the same time.
37. No facilities for gambling shall be provided on the premises between the hours of midnight and 9am the following day.

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

**The Licensing Sub-Committee  
16 February 2022**

The Meeting ended at 2.45 pm