

Licensing Sub-Committee

June 17 2009

2.00 pm

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor Robin Crookshank Hilton
Councillor David Hubber
Councillor Jelil Ladipo

Reserves

Councillor Sandra Rhule

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Sean Usher / 0207 525 7222 / sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: June 9 2009



Licensing Sub-Committee

Wednesday June 17 2009
2.00 pm
Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003 - AGORA UNITS 1-4, 92-94 BOROUGH HIGH STREET LONDON SE1 1LJ 1 - 70

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

Item No.

Title

Page No.

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: June 9 2009

Item No. 5	Classification: Open	Date: June 17 2009	Meeting Name: Licensing Sub- Committee
Report title:		GAMBLING ACT 2005 – APPLICATION FOR A VARIATION OF PREMISES LICENCE IN RESPECT OF AGC 1, 92 – 94 BOROUGH HIGH STREET, LONDON SE1 1LJ & APPLICATION FOR A PREMISES LICENCE IN RESPECT OF AGC 2, AGC 3 & AGC 4, 92 – 94 BOROUGH HIGH STREET, LONDON SE1 1LJ	
Ward(s) or groups affected:		CATHEDRALS	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Committee consider whether to grant the applications by Frankice (Golders Green) Ltd for a variation of the Premises Licence in respect of a Adult Gaming Centre (AGC 1) and also to consider applications for a new grant of Premises Licence in respect of 3 Adult Gaming Centres (AGC 2, AGC 3 and AGC 4) at the same address.
2. **Note:** The first application is requesting a reduction in size of the extent of the existing Licence. The second, third and fourth applications are seeking grants of Premises Licence due to the premises being divided to create separations to set up additional AGC (2), AGC (3) and AGC (4). Each application needs to be dealt with separately.
3. **Before considering representations with regard to the licensing objections, the Licensing Sub-Committee is asked to consider section 152(1)(b) of the Gambling Act 2005 and if the premises are four totally and legally separate premises or a single premises subdivided into four.**

BACKGROUND INFORMATION

4. The Gambling Act 2005 came into effect on 1 September 2007. It introduced a new licensing regime for betting and gaming under the joint responsibility of the newly established gambling commission and the local licensing authority.
5. Under the Act, the gambling commission has primary responsibility for issuing operators licences and personal licences while the local authority has primary responsibility for issuing premises licences. Gaming and betting establishments are normally required to obtain all three types of licence before they are able to operate lawfully. No premises licence may be issued without an operating licence having been obtained from the commission.
6. In considering applications made to it under the Act this authority is required to have regard to
 - The Gambling Act 2005 and the secondary regulations issued under the Act;
 - The licensing objectives set out in the Act (see paragraph 6 below);
 - The Guidance given to licensing authorities by the gambling commission;
 - The authority's own statement of gambling licensing policy
7. The three licensing objectives set out under the Act are

- 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; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
8. The local licensing authorities primary concern under the Act will be with the third objective of protecting children and other vulnerable people.
9. Section 153 of the Act provides that in exercising its function under part 8 of the Act (which deals with premises licensing and provisional statements) a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it
- In accordance with any relevant code of practice under section 24 of the Act;
 - In accordance with any relevant guidance issued by the commission under section 25 of the Act;
 - Reasonably consistent with the licensing objectives (subject to the above); and
 - In accordance with the statement of policy published by the authority under section 349.

KEY ISSUES FOR CONSIDERATION

The Application

10. On 27 February 2009, 4 applications were simultaneously made to the Council on behalf of Frankice (Golders Green) Limited and in respect of the ground floor of the premises situated at 92 -94 Borough High Street, London SE1. The applications sought a variation of the Premises Licence for AGC 1 of the existing Premises Licence and also for the grant of a Premises Licence for an additional 3 Adult Gaming Centres - AGC 2, AGC 3 and AGC 4. Copies of the applications are attached to this report as Appendix A.
11. Consultation on the application has been undertaken in accordance with the Act and relevant regulations. Notification of the application has been given by the applicant to the relevant responsible authorities and the application has been advertised by way of a poster displayed at the premises and in a local newspaper. Due to the posters initially not being displayed, the last date for representations was extended to 14th April 2009 to allow for 28 days consultation.

The Representations

Responsible Authorities

12. Southwark Council's Licensing Service has submitted a representation as a responsible authority with regard to all four applications under the Gambling Act 2005. The representation is made with regard to the licensing objective ***protecting children and other vulnerable persons from being harmed or exploited by gambling***. The representation says that the effect of granting these licences would produce areas where there is an over-concentration of similar licensed operations. The representation is attached to the report as Appendix B.

13. Southwark Council's Planning Department has submitted two representations with regard to the applications under the Gambling Act 2005. The representations are made with regard to AGC3 and AGC4 and relate to the licensing objective ***protecting children and other vulnerable persons from being harmed or exploited by gambling***. The representations suggest that subdividing the premises is likely to result in the intensification of the site as a gaming centre with a resulting loss of amenity to adjoining occupiers. These representations are attached as Appendix C.

Interested Parties

14. Councillor Morris submitted a representation as an interested party with regard to all four applications under the Gambling Act 2005. The representation is made with regard to the licensing objective ***protecting children and other vulnerable persons from being harmed or exploited by gambling***. The representation states that it is inappropriate to subdivide the premises into four separate premises in order to maximise the high stake machines. This representation is attached as Appendix D.

The Conciliation Process

15. No attempt at conciliation has been made in this case given the nature of the representations. The matter is referred straight to the Licensing Sub- Committee for determination.

Operating History of the Premises

16. In September 2007 Mr Roger Etchells on behalf of Frankice (Golders Green) Ltd, applied for an AGC premises licence under the Gambling Act 2005. This licence was granted in October 2007. A copy of the Premises Licence for an AGC issued in respect of the application is attached as Appendix E.

Local Vicinity

17. A map of the local vicinity is attached as Appendix F. Whilst there are no gambling premises in the local vicinity within a 100m radius, the following premises are located just beyond the 100m radius:

- **Coral**, 97 - 99 Borough High St, London SE1
- **Agora**, 43 Borough High St, London SE1

Mandatory Licence Conditions

18. The Committee should be aware that in event that a premises licence may be granted in respect of this application the following mandatory conditions applicable to all categories of premises must be attached to that licence.
- (1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence;
 - (2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises;
 - (3) The layout of the premises shall be maintained in accordance with the plan;
 - (4) The premises shall not be used for –

- (a) The sale of tickets in a private lottery; and
- (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited

(5) In this regulation –

- (a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
- (b) A “customer lottery” has the same meaning as in Part 3 of schedule 11 to the 2005 Act.

19. Additionally, the following mandatory conditions applicable to adult gaming centres will be applied

(1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises;

(2) No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect;

(3) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;

(4)(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises;

(4)(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises; and

Default Licence Conditions

20. There are no default licence conditions for adult gaming centres.

Compliance with Conditions

21. The premises in question are not yet operable. Accordingly the applicant company has been asked to confirm that it will be able to comply with each of the mandatory conditions listed in paragraph 19 above.

The Gambling Commission’s Code of Practice for Gambling Operators

22. Under Section 24 of the Act the Commission is empowered to make Codes of Practice about the manner in which facilities for gambling are provided. One of these codes - The Code of Practice for Gambling Operators – contains requirements with which all operators must comply through conditions attached to the operating licence.

23. Relevant to this Committee’s considerations are the social responsibility provisions of the operators licence.

24. In dealing with combating problem gambling operators licences require that

- (1) Licensees must have and put into effect policies and procedures intended to promote

socially responsible gambling

(2) Licensees' policies and procedures for socially responsible gambling must include but not be confined to

- The specific policies and procedures required by the following provisions of section 2 of this code;
- A commitment to and how they will contribute to research into the prevention into treatment of problem gambling;
- A commitment to and how they will contribute to public education on the risks of gambling and how to gamble safely; and
- A commitment to and how they will contribute to the identification of and treatment of problem gamblers.

25. In dealing with the protection of children, gambling operators licences require that

(1) Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these;

(2) This must include procedures for:

- Checking the age of apparently underage customers;
- Removing from adult only licensed premises anyone who appears to be underage who tries to access the gambling facilities and cannot produce an acceptable form of identification;
- Taking action when there are attempts by under 18s to enter adult only premises;
- Refusing entry to any adult only area of a track to anyone unable to produce an acceptable form of identification; and
- Taking action when there are unlawful attempts to enter the adult only areas.

(3) Licensees must not deliberately provide facilities for gambling in such a way as to appeal particularly to children or young people, for example by reflecting or being associated with youth culture;

(4) In premises restricted to adults, service should be refused in any circumstances where any adult is accompanied by a child or young person;

(5) Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing under-age gambling. This should include appropriate training which must cover the legal requirements on returning stakes and not paying prizes to underage customers;

(6) Licensees must only accept identification which:

- Contains a photograph from which the individual can be identified;
- States the individual's date of birth;
- Is valid; and
- Is legible and has no visible signs of tampering or reproduction.

The Southwark Statement of Gambling Licensing Policy and the Licensing Objective of

the Protection of Children and Vulnerable Persons from Harm or Exploitation by Gambling.

26. The representations received in respect of this application relate to the third licensing objective *the protection of children and vulnerable persons from harm or from being exploited by gambling*. Section 122 of Southwark Council's Statement of Gambling Licensing Policy sets out that the authority will wish to consider the steps taken by the applicant to comply with the social responsibility requirements of the operating licence, in determining the application.

The Southwark Statement of Gambling Licensing Policy and Location.

27. Sections 91 to 93 of the authority's statement of policy deals with the matter of location. It states

“(91). As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder;

(92). In pursuit of these objectives, when determining applications for premises licences, this authority will have regard to the location of the premises. The authority will give special consideration in relation to the proximity of premises to

- Local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families
- Places where vulnerable people are housed or treated, including clinics, recovery centres, outpatients clinics and homes
- Residential areas where there is a high concentration of children and young people or vulnerable people
- Areas where there is a high level of organised crime
- Places of worship, community facilities or public buildings
- Areas where there is considered to be an over-concentration of similar existing licensed operations

(93). This list is not exhaustive and, as stated, each case will be considered upon its own merits. If an applicant can show how they can overcome licensing objective concerns this must be taken into account.”

28. The premises located at 92 / 94 Borough High St are set in a mixed commercial and residential area. A copy of a map of the local vicinity is attached as Appendix F.

Community Impact Statement

29. The contention raised by the representations is that by subdividing 92-94 Borough High St, there will be a proliferation of gambling in the Borough High St area and this will have adverse effects upon the local community in terms of the protection of children and other vulnerable persons from being harmed or exploited by gambling licensing objective.
30. The Committee will be aware that under the laws of natural justice each application is required to be considered upon its own merits with all relevant matters taken into account.

31. In doing so the Committee will wish to address the specific steps proposed to be taken by the applicant company to address this issue.

Resource Implications

32. Upon application to the Council the applicant company paid a fee of £1,917.00 for each of the three new AGC applications, and £959.00 for varying the licence for AGC1. The total fee for all four applications is £6,710.00. This fee contributes toward the processing and determination of the licence application and subsequent inspection and enforcement issues. There are no other resource implications contained within this report.

Consultation

33. Consultation undertaken in connection with this report is set out in paragraph 11.

CONCURRENT REPORT BY THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE– LEGAL ISSUES

34. The sub-committee is asked to determine an application to vary a premises licence under section 187 of the Gambling Act 2005
35. The sub-committee is also asked to determine an application for the grant an additional three premises licences under section 159 of the Act.
36. The principles which sub-committee members must apply when determining applications are contained in section 153 of the Act as set out below:
- ”In exercising their functions under this part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-
- (a)- in accordance with any relevant code of practice under section 24
 - (b)- in accordance with any relevant guidance issued by the Commission under section 25
 - (c)- reasonably consistent with the licensing objectives; and
 - (d)- in accordance with the statement of licensing policy, subject to paragraphs (a)-(c)”
37. Section 153 (2) of the Act states that a licensing authority may not have regard to the demand for the facility which is proposed to be provided.
38. Section 163 of the Act states that a licensing authority shall either grant or reject the premises licence application.
39. Section 210 of the Act states that a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.

Hearing Procedures

40. Subject to the Proceedings of Licensing Committees and Sub-committees Premises Licences and Provisional Statements Regulations, the Licensing Sub-Committee may determine its own procedures.
41. Hearings will take the form of a discussion led by the Sub-committee. Cross examination will not generally be permitted.

42. The hearing must take place in public; however, the Sub-committee may direct that part, or all of a hearing shall be in private if it is satisfied that it is necessary to do so. When making such a decision, the Sub-committee must have regard to-
 - a) any unfairness to a party that is likely to result from a hearing in public; and
 - b) the need to protect as far as possible, the commercial or other legitimate interests of a party.
43. The Sub-committee must ensure that each party is given the opportunity to-
 - a) address the committee on all relevant matters;
 - b) call witness to give evidence on all relevant matters;
 - c) provide further information on any matter on which clarification has been sought by the Sub- committee.
44. The Sub-committee must permit any party to question any other party on any matter that is relevant to the application, or representations made, where the sub-committee considers that in all the circumstances it is appropriate to do so.
45. The Sub-committee must consider documentary evidence produced by a party either before the hearing, or at the hearing with the consent of all the other parties attending the hearing.

The Role of the Licensing Sub-Committee

46. Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Gambling Law, the Commission's Guidance and the Council's Statement of Gambling Licensing Policy.
47. As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.
48. Members will be aware of the Council's Code of Conduct which requires them to declare personal and prejudicial interests. The Code applies to Members when considering gambling applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.
49. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must -
 - a) live sufficiently close to the premises to be affected by the authorised activities; or
 - b) have business interests that might be affected by the authorised activities; or
 - c) represents persons in either of these two groups.

Interested parties can be persons who are democratically elected such as councillors and MPs.

50. Under the Human Rights Act 1998. the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.

Appeals

51. Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Background Papers	Held At	Contact
The Gambling Act 2005 plus relevant secondary regulations	Southwark Community Safety Enforcement Business Unit, The Health Safety & Licensing Unit, C/O The Chaplin centre, Thurlow Street, London, SE17 2DG As above	Mrs Kirty Read 020 7525 5748
The Gambling Commission's Guidance on the Act plus relevant codes of practice		
The Southwark Statement of Gambling Licensing Policy		
Various papers from the file Agora 92 – 94 Borough High St		

APPENDICES

No.	Title
Appendix A	Copies of the applications
Appendix B	Southwark Licensing Representation
Appendix C	Southwark Planning Representation
Appendix D	Interested Party Representation
Appendix E	Copy of current premises licence
Appendix F	Copy of the local area map

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Kristie Ashenden, Principal Licensing Officer	
Version	Final	
Dated	05 May 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director for Legal and Democratic Services	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	06 May 2009	

APPENDIX A.

Application to vary a premises licence under the Gambling Act 2005

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Part 1 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A**Individual applicant**

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname:

Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation *Franchise (Golders Green) Ltd.*

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

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03 MAR 2009

7. The applicant's registered or principal address:

Unit 3
Othenspool Way
Watford
Herts

Postcode:

WD25-8HL

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

OS2-002287-N-103907-001

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 2 – Premises Details

10. Trading name used at licensed premises:

AGORA

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

92-94
Borough High St

Postcode:

SE1

12. Telephone number at premises (if known):

13. Type of premises licence to be varied:

Regional Casino

Large Casino

Small Casino

Converted Casino

Bingo

Adult Gaming Centre

Betting (track)

Betting (other)

Family Entertainment Centre

14. Premises licence number (if known):

825041

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

Surname:

Other name(s):

Part 3 – Details of variations applied for

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

reduction in size of existing area

16(b) Do you want the licensing authority to exclude or vary a condition of the licence so that the premises may be used for longer periods than would otherwise be the case?

~~Yes~~/No [delete as appropriate]

16(c) If the answer to question 16(b) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start	Finish	Details of any seasonal variation
Mon	hh:mm	hh:mm	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

17. Please indicate any particular date on which you want the variation to take effect if approved:
(dd/mm/yyyy)

18. Please set out any other matters which you consider to be relevant to your application:

N/A

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

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

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

Checklist:

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

Part 5 – Signatures

19. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: **MATTHEW DEITH**

Date: **26/2/2009** (dd/mm/yyyy)

Capacity: **Director**

20. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(dd/mm/yyyy)

Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 19 and 20.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 6 – Contact Details

21(a) Please give the name of a person who can be contacted about the application:

Matthew Deith

21(b) Please give one or more telephone numbers at which the person identified in question 21(a) can be contacted:

07957-135216

22. Postal address for correspondence associated with this application:

Unit 3
Otespool Way
Watford

Postcode: WD25-8HL Herts

23. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

mdeith@aol.com

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino Large Casino Small Casino
 Bingo Adult Gaming Centre Family Entertainment Centre
 Betting (Track) Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation *Frankie (Golders Green) Ltd*

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

*Unit 3
Ottespool Way
Watford
Herts*

Postcode:

WD25-8XL

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

052 - 002287 - N - 103907 - 001

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 - Premises Details

10. Proposed trading name to be used at the premises (if known):

AGORA 2

11. Address of the premises (or, if none, give a description of the premises and their location):

92-94 Borough High St

London

Postcode: *SE1*

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground Floor only

14(a) Are the premises situated in more than one licensing authority area?

~~Yes~~/No [delete as appropriate]

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

N/A

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? ~~Yes~~/No [delete as appropriate]
[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start	Finish	Details of any seasonal variation
Mon	hh:mm	hh:mm	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? Yes/No [delete as appropriate]

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority? Yes/No [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details: 353 Walworth Rd - AGC

43 Borough High St - AGC | 355 Walworth Rd - LBO
92-94 Borough High St - LBO - Basement.

31 Camberwell Rd - AGC

67-69 Rye Lane, Peckham - AGC | 229 Walworth Rd - AGC

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

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

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

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: MATTHEW DEITH

Date: 26/2/2009 (dd/mm/yyyy)

Capacity:

Owner

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(dd/mm/yyyy)

Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Matthew Deith

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

07957-135216

24. Postal address for correspondence associated with this application:

Unit 3

Olderpool Way
Watford

Postcode: WD15-8AL Herts

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

mdeith@aol.com

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

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

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode: _____

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

Frankie (Golden Green) Ltd

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

Unit 3
Othenspool Way
Watford
Herts

Postcode:

WD25-8HL

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

OS2-002287-N-103907-001

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 - Premises Details

10. Proposed trading name to be used at the premises (if known):

AGORA 3

11. Address of the premises (or, if none, give a description of the premises and their location):

92-94 Borough High St
London

Postcode:

SE1

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground Floor only

14(a) Are the premises situated in more than one licensing authority area?

Yes/No [delete as appropriate]

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

N/A

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? Yes/No [delete as appropriate]
[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start	Finish	Details of any seasonal variation
Mon	hh:mm	hh:mm	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 - Miscellaneous

Proposed commencement date for licence (leave blank if you want the licence to commence as on as it is issued): (dd/mm/yyyy)

(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? Yes/No [delete as appropriate]

(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

a). Do you hold any other premises licences that have been issued by this licensing authority? Yes/No [delete as appropriate]

b). If the answer to question 19(a) is yes, please provide full details:

3 Borough High St - AGC	353	Waterworth Rd	- AGC
12-94 " " - LBO - Barments	355	"	- LBO
11 Cambuswell Rd - AGC.	229	"	- AGC
11 - 69 Rye Lane Peckham - AGC			

Please set out any other matters which you consider to be relevant to your application:

N/A

- Declarations and Checklist (Please tick)

- I confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Licensing Act 2005 to give information which is false or misleading in, or in relation to, an application.
- I confirm that the applicant(s) have the right to occupy the premises.
- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name:

MATTHEW DEITH

Date: 26/01/2009 (dd/mm/yyyy)

Capacity: Director

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(dd/mm/yyyy)

Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Matthew Deith

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

07957-135216

24. Postal address for correspondence associated with this application:

Unit 3
Otterpool way
Watford

Postcode: WD25-8NL Herts

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

m.deith@aol.com

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

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

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation *Francisco (Golden Green) Ltd*

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

*Unit 3
Otterspool Way
Watford
Herts*

Postcode:

WD25-8HL

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

OS2-002287-W-103907-001

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 - Premises Details

10. Proposed trading name to be used at the premises (if known):

AGORA 4

11. Address of the premises (or, if none, give a description of the premises and their location):

*92-94 Borough High St
London*

Postcode:

SE1

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground Floor only.

14(a) Are the premises situated in more than one licensing authority area?

Yes/No [delete as appropriate]

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

N/A

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? Yes/No [delete as appropriate] [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start	Finish	Details of any seasonal variation
Mon	hh:mm	hh:mm	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 - Miscellaneous

Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? Yes/No [delete as appropriate]

(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

a). Do you hold any other premises licences that have been issued by this licensing authority? No [delete as appropriate]

b). If the answer to question 19(a) is yes, please provide full details:

- 3 Borough High St - AGC 353 Walsworth - A
- 2-94 " - LBO - Basement. 355 " - LK
- 11 Camberwell rd - AGC 229 " - AG
- 79 Rye Lane, Beckham - AGC

Please set out any other matters which you consider to be relevant to your application:

N/A

- Declarations and Checklist (Please tick)

- I confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Licensing Act 2005 to give information which is false or misleading in, or in relation to, an application.
- I confirm that the applicant(s) have the right to occupy the premises.
- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: MATTHEW DEITH

Date: 26/02/2009 (dd/mm/yyyy)

Capacity: Director

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name: _____

Date: _____ (dd/mm/yyyy)

Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Matthew Deith

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

07957-135216

24. Postal address for correspondence associated with this application:

Unit 3
Otterspool way
Watford

Postcode: WD25-8NL Herts

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

mdeith@aol.com



MEMO: Licensing Unit

To Southwark Licensing **Date** 09 April 2009

Copies

From David Franklin **Telephone** 020 7525 5800 **Fax** 020 7525 5768

Email licensing@southwark.gov.uk

Subject Agora Units 1, 2, 3 & 4 92-94 Borough High Street.

I make representation to the four applications under the Gambling Act 2005 for the premises known 92-94 Borough High Street under the grounds of protecting children and other vulnerable people from being harmed or exploited by gambling.

Firstly the application seeks to artificially separate the premises into four premises on the existing premises, this is contrary to section 152 (1) (b) A premises licence - may not be issued in respect of premises if a premises licence already has effect in relation to the premises.

Secondly in the Gambling Commission Revised Guidance to Licensing Authorities 2nd Edition October 2008 Paragraph 7.13 states that the Commission does not consider that areas of a building that are artificially or temporarily separated can properly be regarded as different premises, some examples of temporary separation the guidance does not enter into guidance on artificial separation as is the case in these applications. The existing premises currently operates as an adult gaming centre (AGC) for the whole premises, there seems to be no reasonable explanation for artificially splitting the premises when the primary activity can currently take place on the premises.

Paragraph 7.18 of the guidance states that In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case these may include:

- Do the premises have different postal addresses?
- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

There is no address listing currently in the Post Office database online search.

Currently there is only one listing for business rates from the Valuation Office Agency which lists the premises as "JOB CENTRE 92-94, BOROUGH HIGH STREET, LONDON SE17 2DG".

14 APR 2009
 RECEIVED

From the applications it can be seen that the proposed premises are all owned by the same person, indeed the applications were sent by the same company at the same time with one covering letter.

Other indicators are open to the committee to determine if these are indeed separate premises, for instance is there separate planning consent for each of the premises, while planning consent is not a requirement for grant of a premises licence it can be an indicator to show if there is one or four separate premises.

Paragraph 7.16 says that the authority is entitled to consider the effect of the division, which would see an increase in the number of B3 high value machines, from 4 to 16 which would lead to an increase in availability and in the risk of harm to the vulnerable.

Under the Gambling Act 2005 a premises is entitled to;

1. an unlimited number of category D gaming machines,
2. an unlimited number of category C gaming machines,
3. a maximum of **four (4)** category B3 or B4 gaming machines,
4. prize gaming.

It is my opinion that it is the provision of category B3 gaming machines which is at issue in this particular case, as these can provide a £500 jackpot payment. The table below sets out the key differences between the relevant categories:

Machine Category	Maximum Charge For Use	Maximum Prize
Category D	10p 30p	£5 cash/ £8 non money prize
Category C	50p	£35
Category B3	£1	£500
Category B4	£1	£250

Thirdly the Gambling Commission gave recent advice on the definition of premises 28 April 2008 and letters dated 12 and 26 March 2008 which considers the Governments intention on the number of category B3 machines that premises allow (4 in the case of adult gaming centres) and seeks to curb unscrupulous operators from circumventing the law relating to the number of machines by artificially separating premises.

Fourthly I put forward that the Southwark statement of gambling licensing policy section 92 which looks at the location of the premises, it states that "The authority will give special consideration in relation to the proximity of premises to ... Areas where there is considered to be an over concentration of similar existing licensed operations." I put forward that splitting the premises into four effectively increases the amount of high payment category B3 machines from 4 to 16 and will produce an area of over concentration of high stake gaming machines to attract vulnerable persons to play.

Fifthly in a letter from Minister for Sport, Gerry Sutcliffe MP, it says that the Government is considering increasing the number of B3 machines legally available in bingo premises from 4

Licensing Unit - Environment & Housing, Chaplin Centre, Thurlow Street, London SE17 2DG

Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director Environment & Housing - Gill Davies

Register to vote - Complete the forms delivered to your home. Information: 090 7595 7070

to 8 however he goes on to state "I have also considered whether AGCs should benefit from the increased machine entitlement I am proposing for bingo clubs. However, I am not persuaded on the basis of the evidence that has been presented to me that the same exceptional and special circumstances apply. For instance, no evidence has been presented of closures on the scale of those experienced in the bingo industry. In AGCs, gaming machine play is not an ancillary activity, nor is there any clear evidence of unmet demand for such machines."

Sixthly there is a recent appeal at a Magistrate's Court (Luxury Leisure and South Tyneside Council) by an AGC operator on the refusal by the licensing authority to grant the splitting of their premises under the Gambling Act 2005, the decision by the authority was upheld and the appeal dismissed. While this case is not binding on this licensing authority members may consider the circumstances of the case in determining these current applications.

I therefore conclude that these applications seek to artificially separate an existing adult gaming premises into ^{four} two to circumvent restrictions on the number of B3 machines that the premises are allowed against the intentions of Government and the Act and that, as a premises cannot have more than one licence, members should consider that the applications should be rejected and that matters regarding the number of machines on a premises be left to the consideration of the Government.

Copies of the documents mentioned in this representation are attached and form part of this representation, I reserve the right to submit additional supporting evidence on the definition of premises and under the objective of protecting children and other vulnerable people from being harmed or exploited by gambling to support this representation.



Access keys

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2005 Rating List - Property Details

Property Details

[Glossary](#) [About Us](#)

This is property 1 from the 1 that you have selected.

[Do you need help with this page?](#)

Click on the 'Next property' and 'Previous property' buttons to view each of the properties you have selected in turn.

This page shows the current rateable value for this property in the 2005 rating list. Listed below this, there may be historic entries. This is the case if the property entry has changed. Finally, there is the property's rateable value for the 2000 rating list. This applies for the period between 2000 and 31 March 2005.

If you would like to see how the current rateable value has been calculated, then click on the valuation button in the right hand column. Summary Valuations are available for most of the entries in the 2005 Rating List.

To make a proposal to alter the rating list against this assessment click on the associated Billing Authority Reference. You will then be taken to the appropriate proposal form for the list year.

Property Address: JOB CENTRE 92-94, BOROUGH HIGH STREET, LONDON, SE1 1LL

Navigation:

2005 Current List Entry

Billing Authority Reference	SCat	Description	£ RV	C	Effective Date	List Alteration Date	S	P	Sum Valu
15020009200015	203	OFFICES AND PREMISES	131,000	N	01 Apr 2005	08 Nov 2006	A	0	Valu

2005 Historic Entry

Billing Authority Reference	SCat	Description	£ RV	C	Effective Date	List Alteration Date	S	P	Sum Valu
15020009200015		OFFICES AND PREMISES	146,000	N	01 Apr 2005			1	Valu

2000 List Entry

Billing Authority Reference	SCat	Description	£ RV	C	Effective Date	List Alteration Date	S	P	Sum Valu
15020009200015		OFFICES AND PREMISES	57,000	N	01 Apr 2000			2	N

Navigation:

If you wish to print this screen click "Go" for a printer friendly version.

[Go](#)

GAMBLING COMMISSION

25 April 2008

ADV 08/08

Definition of premises

The Gambling Commission (the Commission) intends to strengthen the guidance it issues to local authorities under section 25 of the Gambling Act 2005 (the Act) relating to the definition of premises. This will include changes to part seven of the 'Guidance to Licensing Authorities (2nd edition June 2007)' document. This has been prompted by increasing numbers of premises licence applications being made to licensing authorities which appear to be in conflict with the intentions of Parliament.

The intention of Parliament regarding the definition of premises

Parliament's intention relating to the number of higher category gaming machines available for use in gambling premises is set out on the face of the Act. In particular, section 172 the Act places restrictions on the number and categories of gaming machines that can be made available in casinos, bingo premises, betting premises and adult gaming centres.

Parliament's intention relating to access between different types of gambling premises is set down in regulations, through the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007/1409) and the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007/266). The Government's intention behind restricting access between certain gambling premises in this way is set down in the Department for Culture, Media and Sports' document 'Explanatory Memorandum to the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007'. Paragraph 7.6 of this document reads:

"The Act provides that... a single premises may not have more than one premises licence authorising a type of gambling activity. There were concerns that some unscrupulous operators might seek to circumvent this by artificially subdividing their premises and securing separate premises licences for its composite parts, which would undermine the different categories of premises licence created by the Act... we wanted to ensure that operators do not circumvent the rules governing the maximum number of gaming machines of Category B and above permitted in different premises. And finally, we were determined to ensure that all gambling premises have publicly accessible entrances, and are not developed in the backrooms of other commercial premises. The department decided to address these concerns by proposing conditions which restricted the access between different types of gambling premises."

The full text of the Explanatory Memorandum can be found [here](#). It refers only to the regulations for England and Wales, however the Memorandum also reflects the policy intentions behind the equivalent Scottish regulations.

Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6500
F 0121 230 6720
www.gamblingcommission.gov.uk

Strengthening the guidance

Currently, the Commission's guidance at paragraphs 7.11 and 7.12 of the 'Guidance to Licensing Authorities (June 2007)' document describes what may be considered as a premises. Paragraph 7.1 states that:

"...there is no reason why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises."

However, this paragraph goes on to describe that this approach has been taken in order to allow large, multiple unit premises to obtain premises licences, as long as appropriate safeguards are in place. Any sub-division of an existing premises must of course comply with the mandatory conditions relating to access between premises. Paragraph 7.12 then suggests that whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances such as its location and the suitability of the separation. The guidance also states that the Commission does not consider that areas of a building that are artificially or temporarily separated can properly be regarded as different premises.

We intend to add a further section to this part of the 'Guidance to Licensing Authorities (June 2007)' document to further emphasise Parliament's intentions of the Act regarding the definition of premises, and to make clear that premises existing under the Act must be genuinely separate with the required access and supervision requirements in place.

The new section will also include guidance on providing the principal gambling activity in all premises licensed under the Act. This is to assist licensing authorities considering applications for multiple premises licences on a single site, where they need to be satisfied that the primary purpose of the premises licence is being fulfilled, ie betting facilities are provided in a betting shop, players can fully participate in bingo at all bingo premises, and so on.

This updated guidance will be based around our position as set out in our open letter to trade associations: [first letter](#), and our follow-up letter which confirms that there needs to be an acceptable balance between the provision of the principal gambling activity and the provision of gaming machines: [second letter](#).

Next steps

The Commission is committed to full consultation on any changes to the 'Guidance to Licensing Authorities (June 2007)' document. We expect to issue a consultation paper in May 2008 detailing our proposed revisions to our guidance, and will publish a final version during the summer.

The Commission will continue to monitor the way in which operators seek to use the provisions of the Act. If it becomes clear that operators are attempting to provide what are, in effect, higher category machine arcades under the guise of either a betting or bingo premises licence with only token betting or bingo provision we will not hesitate to introduce operating licence conditions and / or recommend to the Department for Culture, Media and Sports and Scottish Ministers that additional regulations are required to underpin the clear policy intentions of the Act.

Licensing authorities that are currently considering premises licence applications to divide an existing premises into multiple premises may wish to refer to the sections of the Explanatory Memorandum highlighted above, and to the Commission's draft revised guidance which we will shortly be consulting on. We will consider also the application of our updated guidance towards premises that have already been divided.

If the premises licence applications refer to bingo premises licences, licensing authorities are reminded that the Commission has published an information paper summarising some considerations, which is available [here](#).

GAMBLING COMMISSION

12 March 2008

LET08/03

Dear Colleague

Provision of facilities for gambling in premises licensed under the Gambling Act 2005

The Gambling Commission is aware that some operators (in particular existing AGC operators) may be considering applying for licences, even though they do not intend to provide the primary activity the licence is intended to authorise on their premises. The operators may be applying for betting or bingo operating and premises licences under the Gambling Act 2005 (the Act) because they believe that this will allow them to take advantage of the gaming machine entitlements which accrue from such licences.

Having carefully considered this matter, it is the Commission's view that such an arrangement is not permissible. In the Commission's opinion an operator must provide the principal activity authorised by their operating and premises licences, before they are able to take advantage of any additional entitlement to make gaming machines available for use on their premises. We have set out below some examples of the situation we are describing:

Betting premises

The Commission is aware that there may be operators who intend to apply to the local licensing authority for a betting premises licence on the basis that they intend to provide four category B2 gaming machines on the premises but do not intend to offer any facilities for betting on the premises. In the Commission's view, it is not permissible for an operator to provide gaming machines in this way without also offering facilities for betting.

A betting operating licence authorises its holder to 'provide facilities for betting' (section 65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (section 150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (section 172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers facilities for betting it should not be making gaming machines available on the premises in question.

Bingo premises

The Commission is also aware that there may be operators who intend to apply for bingo premises licences on the basis that they intend to make gaming machines available but do not intend to offer facilities for bingo on the premises.

A bingo operating licence authorises its holder to 'provide facilities for playing bingo' (section 65(2)(b) of the Act). Likewise, a bingo premises licence authorises premises to be used for 'the provision of facilities for the playing of bingo' (section 150(1)(b) of the Act). It follows that a bingo premises should not make gaming machines available for use without also offering facilities for playing bingo.

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Thus, while the Commission acknowledges that gaming machines at bingo premises can be made available for use at times when bingo is not being played at the premises, the fact remains that the operator must provide facilities for the playing of bingo at the premises in order to enjoy the machine entitlement.

Consideration of applications for operating licences

In order to avoid operators applying for licences on the basis of a misunderstanding about what the licence authorises them to do, the Commission may, when it receives an application for an operating licence, contact the applicant to check that they do intend to offer the primary gambling activity for which the category of licence is intended before going on to consider the application in detail.

The Commission also intends to inform licensing authorities of its position in order that they can be aware of any implications for their local licensing activity and we are considering the nature of guidance that should be issued to licensing authorities on this matter under section 25 of the Act.

Existing licence holders

The Commission is aware that there may be gambling premises, which are already in existence, that do not provide the primary licensed activity covered by their licences but do make gaming machines available on the premises. The Commission is also aware that some of these premises may have been in existence under previous legislation and may, as a result, have been entitled to convert their old permissions into operating and premises licences. However, as you will know, the gaming machine regime under previous legislation and that under the 2005 Act differ in material respects.

In such cases the Commission intends, over the coming months, to contact any such operators and the relevant licensing authorities as part of our wider compliance programme, with a view to agreeing a suitable approach for achieving compliance with the requirements of the Act.

I hope that this letter clarifies the Commission's position. If you have any questions please call 0121 230 6666.

Yours sincerely

Hazel Canter
Director of Licensing and Compliance
Gambling Commission

GAMBLING COMMISSION

26 March 2008

LET08/05

The provision of betting facilities in licensed betting premises

I refer to the Commission's recent letter regarding the circumstances under which gaming machines are made available for use on licensed betting premises.

The Commission is aware that some commentators have questioned whether the Commission's interpretation of the legal position is correct.¹ The Commission is also aware that some operators may be considering making minimal facilities available for betting, as a means of addressing the issue. For example, the Commission has been asked whether it would be sufficient to offer a single betting terminal, on the basis that the single betting terminal would amount to providing facilities for betting on the premises in question.

The Commission recognises that ultimately it is for the Courts to decide how statutes should be interpreted. However, having further considered matters in the light of the representations we have received on this issue, the Commission remains of the view that an operator must offer the primary activity of betting facilities in order to take advantage of the additional gaming machines entitlement which is conferred upon licensees of premises providing betting facilities. There can be little doubt that this was what Parliament intended and what we consider the Act to have achieved.

The Commission is concerned, therefore, by the prospect that some operators of licensed betting premises may be considering making available only the barest minimum of betting facilities. As a result, we thought that we should alert you to our concerns and to the steps open to the Commission if it considers it necessary to take further steps to control the circumstances under which gaming machines are made available for use.

Maintaining an appropriate balance between the availability of gaming machines and the provision of facilities for betting

In the Commission's view it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Thus, whilst the Commission recognises that betting premises are permitted to offer gaming machines, including B2 gaming machines, the Commission considers that betting should be a core element of the gambling facilities being offered to customers in such premises.

The Commission thinks that such an approach supports the delivery of the licensing objectives of the Gambling Act 2005, as it means that customers are able to make a choice whether to place bets or play machines, which are more repetitive in nature and have a relatively quicker speed of play.

Licence Conditions

For the reasons outlined above, the Commission considers that it would be undesirable for betting premises to offer only or predominantly gaming machines.



As such, if it became necessary the Commission would consider whether it should impose a condition on licences to prevent the use of betting premises for the provision of gaming machines as the principal or only activity.

In monitoring operators' continued suitability to provide facilities for gambling, the Commission may also review an operating licence if it appears to the Commission that an operator is not offering betting facilities in a manner which supports the pursuit of the licensing objectives.

Regulations

If necessary too, the Commission will consider recommending to the Secretary of State that further Regulations should be made under section 240 of the Gambling Act 2005 to control the circumstances in which gaming machines are made available for use.

I hope this clarifies the Commission's position on this matter. As I have indicated we continue to consider that the way the Act is constructed requires betting facilities to be provided in premises with a betting licence and furthermore that those facilities must not be merely ancillary to any machines provided. You should be aware that if the courts were to take another view, we would consider the introduction of conditions as a matter of urgency to achieve the same policy outcome.

If you would like to discuss the implications of this for your business please email me with contact details or phone my office on 0121 230 6570 or our enquiry line on 0121 230 6666 and we can arrange for someone from the Commission to call you.

Hazel Canter
Director of Licensing and Compliance
Gambling Commission

EXTRACT FROM THE SOUTHWARK STATEMENT OF GAMBLING LICENSING POLICY.

Definition of "premises"

88. Premises are defined in the Act as "any place". A single premises cannot have multiple premises licences allowing different types of gambling at different times. However, a single building can be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being different premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
89. This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that
- Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
 - Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
90. It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use a premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete is necessary to ensure that the authority and other responsible authorities with inspection rights can inspect the premises fully.

Location

91. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
92. In pursuit of these objectives, when determining applications for premises licences, this authority will have regard to the location of the premises. The authority will give special consideration in relation to the proximity of premises to
- **Local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families**
 - **Places where vulnerable people are housed or treated, including clinics, recovery centres, outpatients clinics and homes**
 - **Residential areas where there is a high concentration of children and young people or vulnerable people**
 - **Areas where there is a high level of organised crime**
 - **Places of worship, community facilities or public buildings**
 - **Areas where there is considered to be an over concentration of similar existing licensed operations**
93. This list is not exhaustive and, as stated, each case will be considered upon its own merits. If an applicant can show how they can overcome licensing objective concerns this must be taken into account.
94. Although this authority recognises that nuisance is not one of the three stated licensing objectives and that the guidance to the Act states that disorder is intended to mean activity that is more serious than nuisance, this authority will receive information from the Council's environmental health noise team on nuisance issues as being relevant to matters of location of premises.

Duplication with other regimes

95. This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including **planning**.
96. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.
97. However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of

Written Ministerial Statement

Gaming Machines

Minister for Sport (Gerry Sutcliffe MP):

In recent months I have received a range of representations from trade bodies in the gambling industry seeking changes to the regulatory regime for gaming machines established by the Gambling Act 2005 ("the Act"), and implemented by secondary legislation from 1 September 2007.

Through the Act, we have established a comprehensive new system of regulation for gaming machines, with consumer protection at its heart. Our number one priority remains to protect the public, and I have considered the representations we have received with this uppermost in mind.

A number of Hon Members have expressed support for the campaigns led by the Bingo Association and the British Amusement Catering Trades Association (BACTA). I have also received representations from the British Beer and Pub Association, the British Association of Leisure Parks, Piers and Attractions and the British Casino Association. I wish now to report to the House the government's response.

While the evidence that has been presented from across the industry is mixed, the government recognises that many operators have found trading conditions difficult.

There are likely to be a range of reasons for the current downturn. While the evidence presented to me concentrates almost exclusively on regulatory factors, it attaches lesser or no weight to a range of other plausible factors such as levels of investment in product development, longer term structural and technological changes and wider economic factors. Whilst it is open to government to take action within the framework of the Act, the industry must recognise and find its own solutions to some of these problems.

Representations have also been made to me concerning what were dubbed under the previous legislation Section 16 and Section 21 machines. Whatever the view in some sections of the industry of what earlier legislation permitted, there seems little value in prolonging that debate now. The current legal position is beyond doubt.

The new system of regulation established by the Act, and the strict limits it imposes, were set only after lengthy debate during pre-legislative scrutiny, the passage of the Gambling Bill, and on the relevant secondary legislation. The principal trade bodies, including the Bingo Association and BACTA, played a full role throughout the passage of this legislation, and in the public consultation that preceded it.

I must consider the requests for changes within the new framework established by the Act and agreed recently by Parliament. That framework gives Parliament the final say; it is for the government to decide what proposals should be put to public consultation and then presented to Parliament for consideration.

I have concluded that there is strong evidence that the situation in the bingo industry has been particularly acute. Between 31 March 2004 and 31 March 2007 the number of bingo clubs operating fell from 696 to 634. A further 37 clubs closed during 2007/08, around 6% of the industry.

Colleagues in the House will recognise that bingo clubs fulfil an important social function in many communities. The 2007 Henley Report commissioned by the Bingo Association found that for many people, especially older and retired women, bingo is the main or sole leisure pursuit outside of the home. Despite the range of deregulatory measures that we have already introduced to assist the industry, it is clear that the future of bingo clubs in many communities is under threat.

I am persuaded that a number of other special circumstances apply to bingo. These include the fact that under the industry's business model there is high demand for machines during short periods of the day, which may impair the fair and open conduct of gambling.

I have also noted two additional points made by the Bingo Association that:

- while in recognition of the enhanced social responsibilities imposed by the Act, casinos, betting shops and adult gaming centres (AGCs) received an enhanced gaming machine entitlement, bingo halls retained the same machine entitlement as under the Gaming Act 1968; and,
- bingo halls provide a softer gambling environment in which gaming machines are ancillary to bingo.

The Bingo Association has argued that, to help arrest the decline, the number of Category B3 machines (£1 maximum stake, £500 maximum prize) which bingo halls are permitted should increase from four currently to as many as 16. In my view this goes too far. An increase of this proportion would be inconsistent with the precautionary approach that the government has taken to gambling regulation.

Nevertheless I am persuaded that the situation facing the bingo industry is sufficiently grave, and the circumstances surrounding bingo sufficiently distinct, to justify considering whether a smaller increase might be appropriate without jeopardising our principal priority, which remains to protect the public.

For this reason, I have decided to consult on a proposal to increase to eight the number of Category B3 machines which bingo clubs may offer. This enhanced entitlement will only apply to bingo halls which operate a strict over 18s entry policy. If in the light of public consultation we decide to proceed, we will bring forward the necessary Order. This will be for Parliament to approve by means of an affirmative resolution.

I have also been struck by the representations I have received from Hon Members on all sides in support of seaside arcades. Family entertainment centres, which are not permitted to offer high stake, high prize Category B gaming machines, form an integral part of many families' seaside holidays or day trips. I want to see that continue.

The government has already taken steps to help seaside arcades. In October 2006, in response to requests for assistance from the industry and a year earlier than planned, we increased the stake and prize levels for Category C gaming machines to 50p and £35 respectively. These changes benefited not only seaside arcades, but also pubs, bingo clubs and AGCs, as well as gaming machine manufacturers and suppliers.

To give the industry certainty and to enable it to plan properly, we made a commitment to review stakes and prizes again in 2009. However, in view of the difficult trading conditions which many operators are now reporting, I have decided on an exceptional basis to bring forward the planned review by one year for the lowest categories of gaming machine –

Categories C and D. Category D machines include 10p stake and £5 prize fruit machines, as well as traditional seaside amusements like penny falls and crane grabs.

The industry must recognise that this is a one off. I am mindful of the risk that, coming so soon after the 2006 changes, an early review could perpetuate a view in some sections of the industry that ever increasing stake and prize levels are the only answer to the pressures it faces. This may lead to tensions in terms of the licensing objectives, and act as a disincentive to the industry to explore other ways to freshen its appeal. At the same time, I understand the need for certainty among manufacturers and operators alike on the date of future reviews.

In addition, I am therefore announcing today that I have decided to reinstitute the system of triennial reviews that grew up by custom and practice under the previous legislation. This will mean that, after the 2009 review (part of which I am bringing forward to this year), the next review will take place in 2012.

In view of the priority which the industry attaches to an early review, I am adopting a fast track process. We are writing today to trade bodies, faith groups and others with an interest in problem gambling, to invite submissions on what stake and prize levels should apply for machines in Categories C and D during the period until 2012.

Having carefully considered these submissions, I will formulate proposals and, prior to formal consultation, seek advice from the Gambling Commission on whether any of these proposals raise concerns in terms of the licensing objectives. There will then be a formal three month consultation before any legislation is brought forward. Any changes will be for Parliament to approve, again by means of an affirmative resolution. I intend to complete the consultation with a view to returning to Parliament with any necessary Order in the autumn.

There is no guarantee that this review process will result in increases. It will be for the industry to make that case, and for wider stakeholders to state their views.

I have considered carefully whether the evidence that has been presented would justify extending this early review to high stake, high prize gaming machines in Categories B1, B2, B3, B3A and B4. In particular, I have carefully considered BACTA's call for an immediate doubling in the maximum stake on Category B3 machines, found in AGCs and bingo halls, from £1 to £2.

A key element of BACTA's case is that customers have found the Category B3 machine with its £1 stake and £500 prize unattractive, and that this has led in turn to customers migrating from AGCs to play Category B2 machines (commonly known as fixed odds betting terminals) in betting shops. Little in the way of convincing evidence has been submitted to substantiate this claimed migration.

I have consistently made it clear that I view the growing popularity of Category B2 machines and other high stake, high prize gaming machines with concern. That is why in March I asked the Gambling Commission to prioritise research in this area. The aim is to explore the available research which assesses whether there is any evidence:

- of causal links between the availability of high stake, high prize gaming machines and the development of problem gambling;
- regarding the attraction of these machines to existing problem gamblers;
- that existing gambling problems are exacerbated by access to these machines.

Work is already underway and, by the end of July 2008, the Commission will recommend what, if any, further research is needed. The Commission expects to publish the findings from any further work in June 2009.

If evidence emerges that Category B2 machines are a particular problem, I will not hesitate to use the extensive powers under the Act to regulate them more stringently. In the meantime, I have concluded that it would not be appropriate to review stake and prize levels for Category B machines, or to agree to BACTA's specific proposal, before the Commission's work is complete and Ministers and Parliament can consider any new findings which emerge. The government has committed to review stake and prize levels on all categories of machine in 2009, and we will make good on this commitment in respect of Category B machines once the Commission has reported.

I have also considered carefully a proposal by BACTA that adult gaming centres – arcades restricted to over 18s found on many high streets – should be permitted to make available Category B3 machines on a ratio of 20% to the total number of gaming machines provided, in place of the current limit of four machines per premises.

I have, however, concluded that this proposal would not provide sufficient certainty about the total number of B3 machines in individual AGC premises, or across the AGC estate as a whole. It could create the potential for larger machine sheds with significant concentrations of high stake, high prize gaming machines in easily accessible high street locations. I am concerned that this could have an adverse impact in terms of the licensing objectives.

I have also considered whether AGCs should benefit from the increased machine entitlement I am proposing for bingo clubs. However, I am not persuaded on the basis of the evidence that has been presented to me that the same exceptional and special circumstances apply. For instance, no evidence has been presented of closures on the scale of those experienced in the bingo industry. In AGCs, gaming machine play is not an ancillary activity, nor is there any clear evidence of unmet demand for such machines.

While I understand that this will come as a disappointment to AGCs, they will of course benefit from any increases to stake and prize levels of Category C machines, which form the bulk of their machine offer.

[Ends]

IN THE SOUTH TYNESIDE MAGISTRATES' COURT

DISTRICT JUDGE ELSEY

24TH JULY 2008

BETWEEN:-

LUXURY LEISURE

Complainant

- and -

SOUTH TYNESIDE COUNCIL

Respondent

AGREED NOTE OF JUDGMENT
(for approval by the Judge)

1. I have been hearing a complaint by which Luxury Leisure appeals against a decision of the Respondent's Licensing Sub-Committee regarding applications for Adult Gaming Centres ("AGCs") licences.
2. Applications have been submitted regarding the complainant's premises at 11-12 King Street; 58-62 Ocean Road, 527-529 Stanhope Road and 295-297 Prince Edward Road. All these addresses are in South Shields. The complainant already holds AGC licences regarding these premises but sought to subdivide and to licence in relation to the subdivided parts. If the licences were granted then Luxury Leisure would be permitted to install a further 4 B3 gaming machines in each newly created area.
3. In reaching my conclusions I have taken into consideration oral submissions by Mr Michael Fordham QC for Luxury Leisure and Mr James Findlay QC for the Respondent and have also been assisted by helpful skeleton arguments by both parties, bundles of plans and photographs and documentary evidence. Most importantly, I have been able to view all the properties which has enabled me to envisage how the applications would effect the alteration of the properties.
4. In essence the issue is whether the law permits Luxury Leisure to hold separate AGC licences for different areas in the same building. It is clear it is possible that a number of different licences can be held regarding the same building. In this case, more specifically the question is can you get two or more licences for premises which previously had one licence? Deciding that, I have to decide whether the proposed subdivisions create separate premises.

5. Section 37 of the Gambling Act 2005 is the starting point of the legal analysis. It provides that a premises licence is required to make gaming machines lawfully available for use. Section 152(1)(b) provides that a premises licence cannot be issued regarding premises if a premises licence already has effect regarding the premises. Section 353(1) provides that, for the purposes of the Act, "premises" "includes any place and, in particular – (a) a vessel, and (b) a vehicle". A substantial part of Mr Fordham's submissions rests on that definition and he very strongly urges me to consider that it is a helpful definition. Indeed, he submits that the Licensing Sub-Committee fell into error when they stated that they did not find it helpful.

6. Mr Fordham drew attention to the Gambling Commission's Guidance to Local Authorities, dated June 2007, where at §7.11 the meaning of the word "premises" is considered. The paragraph reads:

"'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed."

7. That there have been difficulties in considering how the statute ought to be applied is illustrated by the Gambling Commission consultation on "split premises", dated June 2008. §2.1 reads:

"While the definition of premises in the Act is ostensibly unrestricted, in the context of premises licences and the entitlement to machines (which varies with the type of premises licence), the Commission takes the view that the Act clearly envisages premises that are distinct entities and recognizable as such. If this were not the case, the different machine entitlement provisions would be meaningless. The policy intention built into the Act is to restrict the number of high value machines per premises. It appears to the Commission that some operators are adopting an approach to the meaning of 'premises' which departs from common sense with a view to encouraging local authorities to grant more than one licence for adjoining 'units' and thereby increase the number of high value machines available in what is, in reality (and, we believe, in law) a single premises."

8. In my judgment it would be wrong of me not to accept that the policy intention of the Act is as set out in §2.1 and I should bear that in mind in giving a purposive interpretation to "premises". Such an interpretation is

not inconsistent with *Daniel Thwaites v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin): that licensing activities should be restrained only where necessary to restrain something which would be contrary to the licensing objectives. This is also consistent with *Majorstake Limited v Curtis* [2008] UKHL 10.

9. Taking all of these factors into consideration, the question to ask is if Luxury Leisure's proposals, if implemented, would create objectively recognisable separate places within the buildings which are the subject of the applications. I can take into account the matters the Secretary of State sets out in the mandatory conditions in the Gambling Act (Mandatory and Default Conditions) (England and Wales) Regulations SI 2007/1409. But in themselves they do not provide the answer whether in a particular building premises will be created by implementing the plans.
10. I regret to say that having viewed the buildings I do not consider that new places would be created. The effect would be to create further subdivisions in an existing area; rather like creating a breakfast bar between the kitchen and living area in a studio flat.
11. I am not saying that it is never possible to reconfigure these buildings as separate premises, especially since they used to be made up of separate postal addresses.
12. I am conscious that the conclusion I have reached is different to a preponderance of licensing authorities. It is however significant that my opinion is congruent with the Gambling Commission and I would adopt §7.19 of their proposed amended Guidance regarding the appropriate factors to be taken into account. In my judgment these factors are already implicit in the words in the legislation and do not constitute new guidance.
13. It follows that the appeal is to be dismissed.
14. And I therefore do not have to rule on the technical issue or the direct access issue. However, in so far as it is relevant, I agree with the Respondent's case regarding direct access but not on the technical issue. The refreshment areas do not in reality prevent direct access and would not in reality be accessed by members of the public for purposes other than gambling. I agree with Luxury Leisure regarding the technical issue, that the licence could be surrendered and replaced with new licences.
15. Since I have no doubt that plans could be drawn which could effect the creation of new premises at these addresses, I have considered remitting the applications to the licensing committee. The direction I would have to give would be for the committee to consider revised plans which would in effect need to be agreed with the respondents. I will discuss this with Counsel.

[submissions on remittal]

16. I have had to consider whether to exercise my discretion to remit to the Sub-Committee with a direction to consider revised plans. The Respondent authority is perfectly justified in seeking to protect the public purse but I am persuaded that the balance of proportionality is in the complainant's favour and I therefore remit.

[submissions on costs]

17. Being generous, the technical issue was probably around 15%. The Respondent is to get its costs with a 15% deduction. There should be agreement on what the costs are and 15% deducted, to be taxed if necessary.

Michael Fordham QC
Shaheed Fatima
Counsel for the Complainant

James Findlay Q.C.
Counsel for the Respondent

Approved
R. J. Elsey
R.J.(mc)
25/7/08.



Regeneration and neighbourhoods
 Planning & transport
 Development management
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Web Site: <http://www.southwark.gov.uk>

Date: 19/03/2009

Dear Sir/Madam

Premises Licensing re:
 UNIT 3 92-94 BOROUGH HIGH STREET LONDON SE1 1LJ

A review of the planning register shows that planning permission ref. no. 07-AP-1477 was granted in on 02/07/08 for change of use of the ground floor of the above premises from a former job centre (Class A2) to an adult gaming centre (sul generis) incorporating new shop front.

The planning permission relates to 92-94 BOROUGH HIGH STREET LONDON SE1 1LJ and not to Unit 3 as referred to in the premises licence application.

The Planning Department therefore objects to the application for a variation of the premises licence at the above under the licensing objectives as subdividing the above premises is likely to result in the intensification of the site as a gaming centre with a resulting loss of amenity to adjoining occupiers.

The applicant is therefore advised to seek planning permission if they wish to subdivide the above premises.

Yours faithfully

A handwritten signature in black ink, appearing to read "Dennis Sangweme".

Dennis Sangweme

Team Manager - Planning Enforcement



Regeneration and neighbourhoods
Planning & transport
Development management
PO Box 64529
LONDON SE1P 5LX

Licensing Unit
Chaplin Centre
Thurlow Street
London
SE17 2DG

Your Ref:
Our Ref: 09-CE- 00376
Contact: Neil Loubser
Telephone: 020 7525 5451
Fax: 020 7525 5432
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 17/04/2009

Dear Sir/Madam

Premises Licensing re:
UNIT 3 92-94 BOROUGH HIGH STREET LONDON SE1 1LJ

For clarification we would like to expand on our representation dated 19/03/09, our reference: 09-CE-00376. The Gambling Act objective of "protecting children and vulnerable adults" would be adversely affected by the intensification of the site as a gaming centre. The applicant is therefore advised to seek planning permission if they wish to subdivide the above premises.

Yours faithfully

Neil Loubser
Planning Officer



Regeneration and neighbourhoods
 Planning & transport
 Development management
 PO Box 64529
 LONDON SE1P 5LX

Licensing Unit
 Chaplin Centre
 Thurlow Street
 London
 SE17 2DG

Your Ref:

Our Ref: 09-CE-00375

Contact: Dennis Sangweme

Telephone: 020 7525 5419

Fax: 020 7525 5432

E-Mail: planning.enquiries@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Date: 19/03/2009

Dear Sir/Madam

Premises Licensing re:

UNIT 4 92-94 BOROUGH HIGH STREET LONDON SE1 1LJ

A review of the planning register shows that planning permission ref. no. 07-AP-1477 was granted in on 02/07/08 for change of use of the ground floor of the above premises from a former job centre (Class A2) to an adult gaming centre (sui generis) incorporating new shop front.

The planning permission relates to 92-94 BOROUGH HIGH STREET LONDON SE1 1LJ and not to Unit 4 as referred to in the premises licence application.

The Planning Department therefore objects to the application for a variation of the premises licence at the above under the licensing objectives as subdividing the above premises is likely to result in the intensification of the site as a gaming centre with a resulting loss of amenity to adjoining occupiers.

The applicant is therefore advised to seek planning permission if they wish to subdivide the above premises.

Yours faithfully

A handwritten signature in black ink, appearing to read "Dennis Sangweme".

Dennis Sangweme

Team Manager - Planning Enforcement

RECEIVED
 19 MAR 2009



Regeneration and neighbourhoods
Planning & transport
Development management
PO Box 64529
LONDON SE1P 5LX

Licensing Unit
Chaplin Centre
Thurlow Street
London
SE17 2DG

Your Ref:
Our Ref: 09-CE- 00375
Contact: Neil Loubser
Telephone: 020 7525 5451
Fax: 020 7525 5432
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 17/04/2009

Dear Sir/Madam

Premises Licensing re:
UNIT 4 92-94 BOROUGH HIGH STREET LONDON SE1 1LJ

For clarification we would like to expand on our representation dated 19/03/09, our reference: 09-CE-00375. The Gambling Act objective of "protecting children and vulnerable adults" would be adversely affected by the intensification of the site as a gaming centre. The applicant is therefore advised to seek planning permission if they wish to subdivide the above premises.

Yours faithfully

Neil Loubser

Planning Officer

Our Ref: AM/lo/ 030409
3rd April 2009

Kristie Ashenden
Principal Licensing Officer
Chaplin Centre
Thurlow Street
London
SE17 2DG

Councillor Adele Morris

Liberal Democrat Member for Cathedrals Ward

Executive Member for Citizenship, Equalities
and Communities

Executive Members' Room
Southwark Town Hall
Peckham Road
London SE5 8UB

Tel: 020 7525 7314
Fax: 020 7525 7269
E-mail: adele.morris@southwark.gov.uk

03 April 2009

Dear Kristie,

Re: License application for Agora, 92-94 Borough High Street, SE1 1LJ

I am writing to object to the granting of 4 separate gaming licenses for the above premises. I believe that it is highly inappropriate for the ground floor of the premises to be subdivided into 4 units in order for the applicants to maximise the number of high payout machines, for the reasons set out below. In addition, whilst I am aware that planning matters are separate from licensing matters, I believe that the licensing department should be aware that the licence which was granted in December 2008 for use of the basement of the premises has no valid use because the applicants have no planning permission to operate such premises in the basement. In addition, the applicant has already commenced work on the premises to subdivide the ground floor into 4 units, and make alterations to the frontages on Union St and Borough High St despite the fact that planning permission has not been granted for such works, nor has a license been issued.

My reasons for objection are:

Protecting children and other vulnerable persons from being harmed or exploited by gambling

These premises are located on the main high street, in a prominent corner position. It is on the route to 2 nearby primary schools – St Joseph's off Borough High St and Cathedral School in Redcross way – both of which are within 200m of the premises. The route to and from the schools is along Union St, past the premises, and is the main route taken by some 200 or so families who live on the Tabard Gardens housing estate, which is located just off Borough High St, across from the gaming premises.

Adjacent to the schools and to the south west of the premises is the Redcross Way housing Estate, and to the north west of the premises is the Park St housing Estate. Over 60% of housing in Borough and Bankside is rented from either the council or a

registered social landlord.

Cathedrals ward has a higher than average street population, and it also has the highest concentration of drug and alcohol rehabilitation centres and homeless hostels in Southwark. There is a well documented problem with antisocial behaviour issues in the area, the topic of many public meetings with the police and community safety teams. In nearby Great Guildford Street, there is a homeless hostel.

100m along Union St on the South side of the road is the Marlborough Playground – a large sports area which is primarily used by older children and young adults, and to the South of St Joseph's School is little Dorrit Park – which is very well used by the children from the 2 schools and the surrounding area. Opposite Cathedral school on Redcross way is Redcross Gardens, which runs a number of regular gardening clubs and events for young children.

Southwark Cathedral is not more than 200 metres from the premises.

In addition, the applicants already run a similar establishment less than 100m along the high street. I understand that residents will be contacting the licensing department separately with their concerns about the operation of those premises.

Crime and disorder

Evidence from the first NHS gambling clinic suggests that high-stakes gaming machines that were introduced in their thousands after a relaxation of the gambling laws are causing serious addiction problems.

Almost two thirds of people admitted to the National Problem Gambling Clinic are suffering from habits exacerbated by games terminals found in all of Britain's 8,500 betting shops.

An internal audit carried out by the clinic — offering the first robust clinical statistics on the triggers for problem gambling — reveals that more than 60 out of more than 100 people referred have addictions that are encouraged by fixed-odds betting terminals (FOBTs).

Responding to concerns about the terminals' addictive format, which has been described as "the crack cocaine of gambling", the Government agreed to draw up a code of practice limiting bookmakers to four machines per venue and a maximum £500 win. **This application is deliberately designed to flaunt that rule, which was put in by the Government to protect the most vulnerable in our society!**

It is said that users of these machines can lose £1,000 in less than half an hour.

The pioneering NHS gambling clinic is part of the Central and North West London NHS Foundation Trust, is the first free clinician-led treatment programme and has provided statistics on the types of problem gambling and their effects.

A spokesperson for the clinic said "We are building up the first proper evidence-based data set, which can show the triggers and levels of addiction, the spend, the frequency and the negative consequences," she said, adding that she intended to publish a full audit of findings later in the year.

"We were not really prepared for the level of demand for the service," she said, adding that the main cause of gambling problems appeared to be FOBTs, online sites and race betting. "A lot of people who start off betting on horses and dogs, and have started to develop a problem, have migrated to FOBTs and online sites. It's the immediacy of the gratification, the cycle of excitement. It is the way the machine taps into the reward pathways of the brain. "I have people coming into my clinic who have not eaten properly for months. They are emaciated because they are on such tight food budgets because of their debts."

A spokeswoman for GamCare, the industry-funded counselling service, said that FOBTs seemed to be particularly attractive to problem gamblers..

The Department for Culture, Media and Sport has asked the Gambling Commission to investigate the link between FOBTs and an increase in problem gamblers. The commission will submit its findings in the summer.

DCMS spokesman said:

"Ministers have made it clear that they view with concern the growing popularity of these fixed odds machines offering high prizes.

"At our request, the Gambling Commission is making a high priority research to identify the risks these machines may pose in relation to problem gambling and they will provide an update and recommendations by this summer.

Available research seems to indicate that problem gamblers will tend to risk money on whatever game is available, rather than a particular game being available inducing problem gambling in otherwise "normal" individuals. However, research also indicates that problem gamblers tend to risk money on fast-paced games. Thus a problem gambler is much more likely to lose a lot of money on roulette or slot machines where rounds end quickly and there is a constant temptation to play again or increase bets, as opposed to a lottery where the gambler must wait until the next drawing to see results. It is estimated that thirty percent of the profits from gambling machines come from problem gamblers.

As debts build up people turn to other sources of money such as theft or the sale of drugs. A lot of this pressure comes from bookies or loan sharks that people rely on for capital to gamble with. Also, a teenager that does not receive treatment for pathological gambling when in their desperation phase may contemplate suicide.

Yours Sincerely,

Councillor Adele Morris
Executive Member for Communities, Equalities & Citizenship
Liberal Democrat Member for Cathedrals Ward

Ashenden, Kristie

From: Morris, Adele
Sent: 08 April 2009 11:16
To: Ashenden, Kristie
Subject: Re: Emailing: gambling objection

Dear Kristie

Yes I can confirm that my representation relates to each proposed premises at that address: Unit 1, Unit 2, Unit 3 and Unit 4, 92-94 Borough High St.

I can update and resend the letter if it helps?

Best wishes

Cllr Adele Morris
 Executive Member for Citizenship, Equalities and Communities Town Hall Peckham Rd
 SE5 8UB

Tel. 0207 525 7314

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E-mails are transmitted over a public network and Southwark Council cannot accept any responsibility for the accuracy of a message that may have sustained changes in transmission".

----- Original Message -----
From: Ashenden, Kristie
To: Morris, Adele
Sent: Wed Apr 08 09:05:27 2009
Subject: RE: Emailing: gambling objection

Dear Cllr Morris,

Thank you for your representation. For clarity, can you please just confirm that your representation relates to each proposed premises at that address: Unit 1, Unit 2, Unit 3 and Unit 4, 92-94 Borough High St. An email will be sufficient.

Regards

Kristie Ashenden
 Principal Licensing Officer
 London Borough of Southwark
 Email: kristie.ashenden@southwark.gov.uk General email: licensing@southwark.gov.uk
 Ph: 020 7525 5754
 Fax: 020 7525 5705
<http://licensing.southwarksites.com/>

-----Original Message-----
From: Morris, Adele
Sent: 06 April 2009 17:10
To: Ashenden, Kristie
Subject: Emailing: gambling objection

Hi Kristie

Please see attached objection letter. I have sent a hard copy to you as well - please let me know if it is OK or needs changing at all.

Best wishes

Cllr Adele Morris

Liberal Democrat Councillor for Cathedrals Ward Executive Member for Citizenship,
Equalities and Communities Southwark Town Hall Peckham Rd London
SE5 8UB

Tel: 020 7525 7208/7314

Email: adele.morris@southwark.gov.uk

Southwark
Council

NOTICE OF GRANT OF AN APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 164(2) of the Gambling Act 2005

London Borough of Southwark

An application for a premises licence of the following type:
Adult Gaming Centre Premises Licence

is granted to:
Frankice (Golders Green) Ltd

of the following address:
Unit 3
Otterspool Way
Watford
WD25 8HL

the number of whose operating licence is:

002287

The premises to which the application relates are:
Agora
92-94 Borough High Street
London
SE1 1LJ

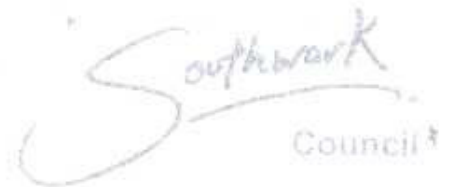
The premises licence number is: 825041

The date on which the licence takes effect is: **24/10/2007**

The licensing authority did not receive representations in relation to the application.

An appeal may be brought against the grant of the application, or the imposition or exclusion of the conditions referred to above by either the applicant, or any person who made representations in relation to the application. An appeal must be instituted:

- in the magistrates' court for a local justice area in which the premises are wholly or partly situated;
- by notice of appeal given to the designated officer;
- within 21 days beginning with the date of receipt of this notice of grant



LA REF: 825041

Adult Gaming Centre Premises Licence

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

London Borough of Southwark

Part 1 – Details of person to whom licence is issued

This premises licence is issued to:

Frankice (Golders Green) Ltd

of the following address:

Unit 3
Otterspool Way
Watford
WD25 8HL

who holds an operating licence which has been given the following operating licence number by the Gambling Commission: 002287

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

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

Agora
92-94 Borough High Street
London
SE1 1LJ

Part 3 – Premises Licence Details

This licence came into effect on:

24/10/2007

This licence is of unlimited duration

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


None

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

None

A scale plan reference AB-SOU-94-005 14.07.2007 is attached as an annex to this licence.

Signed on behalf of the issuing licensing authority


Tim England
Community Safety Enforcement Business Unit Manager

SUMMARY OF THE TERMS AND CONDITIONS OF A PREMISES LICENCE

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

London Borough of Southwark

This summary is issued to:
Frankice (Golders Green) Ltd

of the following address:

Unit 3
Otterspool Way
Watford
WD25 8HL

A premises licence of the following type:
Adult Gaming Centre Premises Licence

has been issued in respect of the following premises:

Agora
92-94 Borough High Street
London
SE1 1LJ

Summary of the Terms and Conditions of the Premises Licence

1. The premises licence will run in perpetuity unless:
 - the Secretary of State prescribes a period after which the licence will expire under section 191 of the Gambling Act 2005;
 - the licence holder surrenders the licence under section 192 of the Gambling Act 2005;
 - the licence lapses under section 194 of the Gambling Act 2005;
 - the licence is revoked under section 193 or 202(1) of the Gambling Act 2005.
2. The premises licence applies only in relation to the premises specified in Part 2 of the licence and may not be varied so that it applies to any other premises (except in the case of a converted casino premises licence).
3. The premises licence authorises the premises to be used for Adult Gaming Centre Premises Licence
4. The premises licence is subject to:
 - any conditions specified on the face of the licence as being attached under section 169(1)(a) of the Gambling Act 2005;
 - any other conditions attached to the licence by virtue of regulations made under sections 167

Licence No: 825041



V06

Mandatory conditions attached to every premises licence.

(1) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises;

(2) The layout of the premises shall be maintained in accordance with the plan;

(3) The premises shall not be used for -

- (a) The sale of tickets in private lottery or customer lottery, or
- (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited

V11

Mandatory Conditions attached to adult gaming centre premises licence

(1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises;

(2) No customer shall be able to access the premises directly from any other premises in respect of which a licence has been issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.

(3) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;

(4) (a) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises;

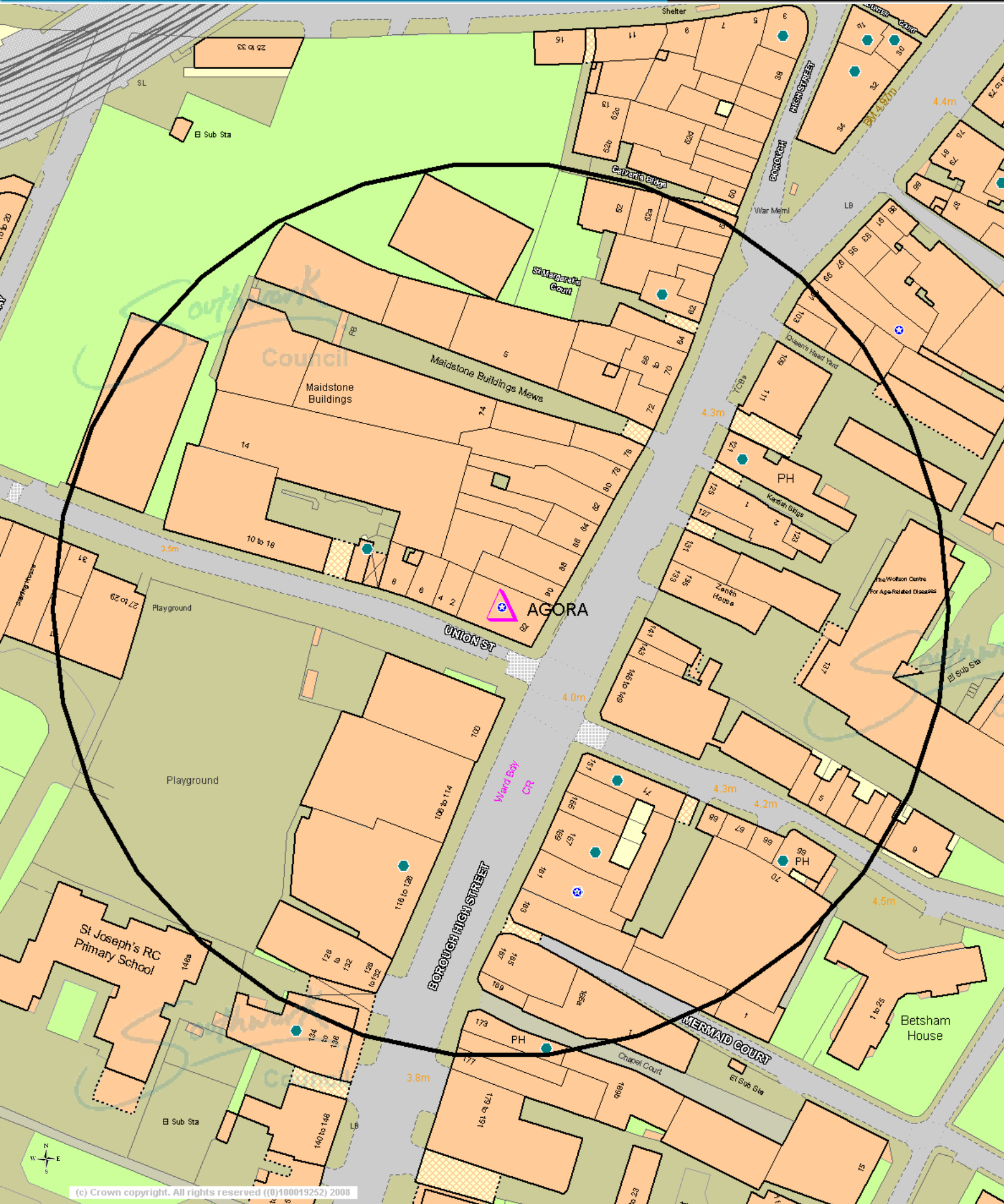
(b) A notice stating the condition in sub-paragraph (a) shall be displayed in a prominent place at every entrance to the premises.

and 168 of the Gambling Act 2005 (other than any conditions under section 168 which have been excluded by the licensing authority); and

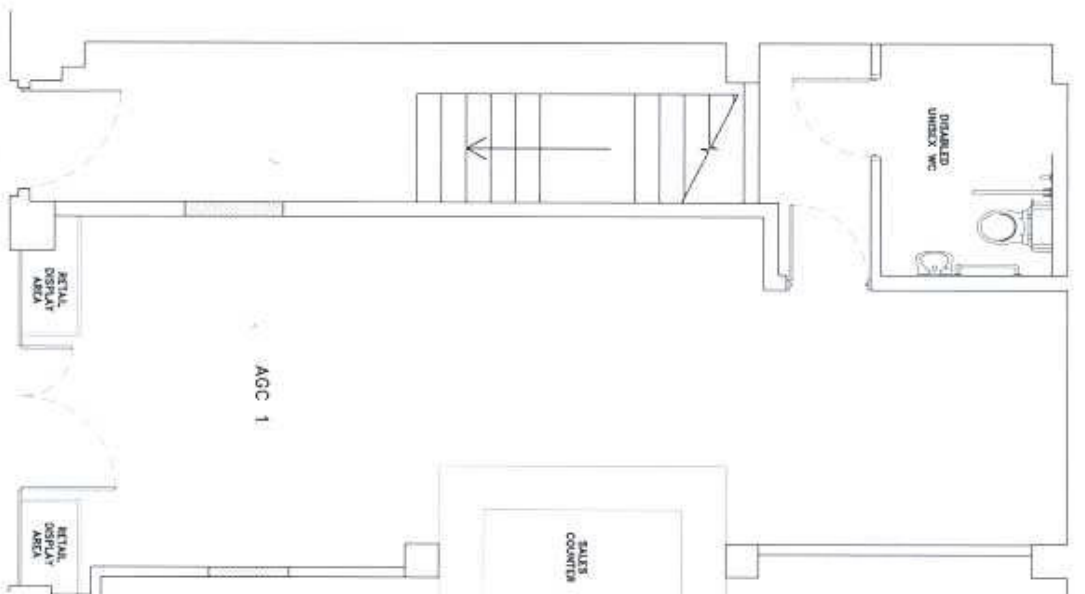
- any conditions attached to the licence by virtue of specific provisions of the Gambling Act 2005.

5. In particular, it is a condition of the premises licence under section 185 of the Gambling Act 2005 that the holder keeps the licence on the premises and arranges for it to be made available on request to a constable, enforcement officer or local authority officer. The holder of the licence commits an offence if he fails to comply with this condition.

Date 28/4/2009

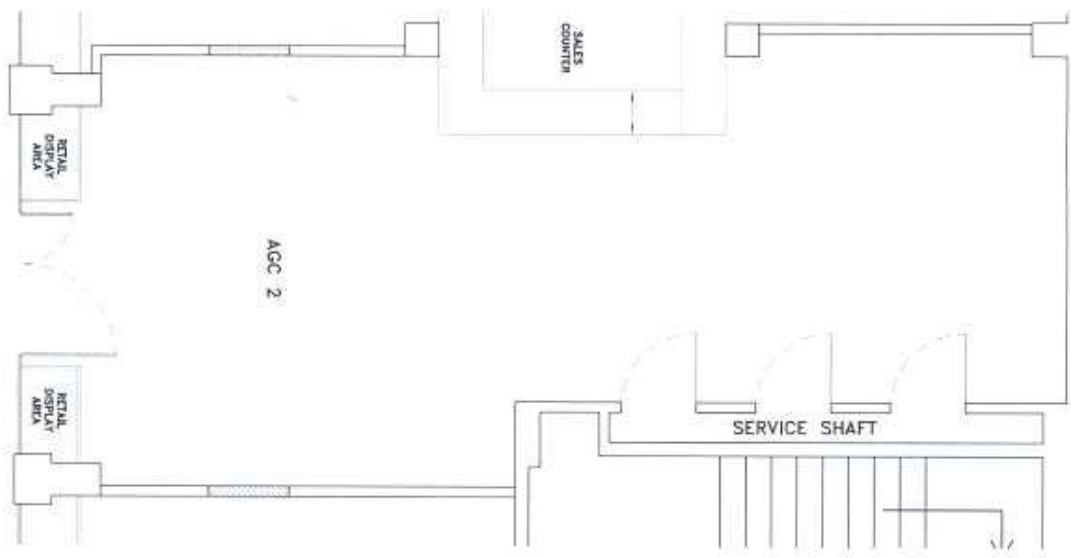


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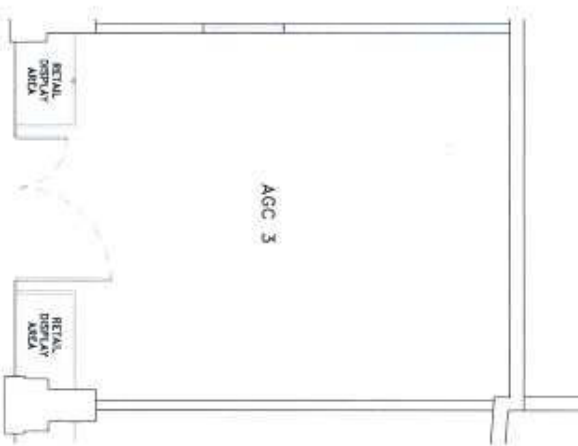
GROUND FLOOR PLAN

Rev.	Description	Date	<p>This drawing is the property of Able Design & may not be reproduced in whole or part without prior written permission.</p>	
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<p>44 Queenswood Avenue Northampton NN3 6JU Tel: 01604 644008 Mob: 07820 213008 e-mail: info@able-design.co.uk</p>			<p>Client: ACORN DAMING CENTRES LTD Site: VI - 94 BODOLLY HIGH STREET LONDON Title: ACC1 GROUND FLOOR PLAN</p>	
<p>Scale: As Per Plan FOR INFORMATION</p>			<p>Drawn: SKJ Checked: AB-SOU Date: 13/05/08</p>	
<p>Dimensions in mm</p>			<p>Drawing No: AB-SOU-</p>	



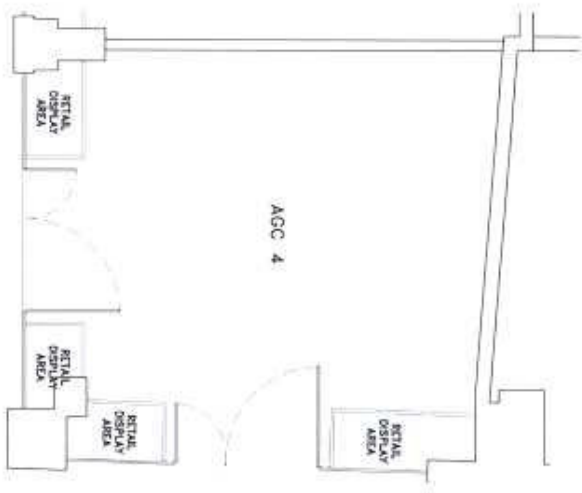
GROUND FLOOR PLAN

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<p>Rev: ORIGINAL ISSUE Description: Date: 23/03/08</p>				



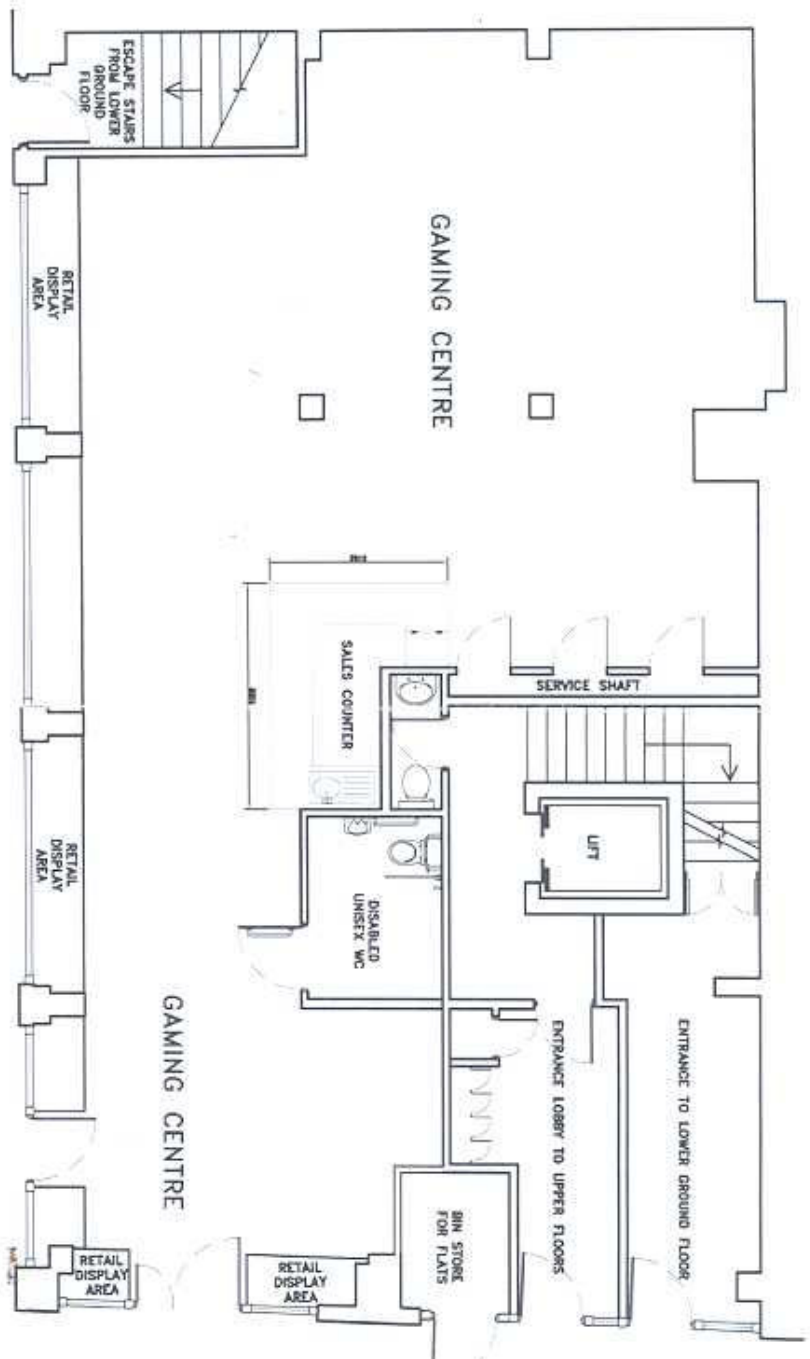
GROUND FLOOR PLAN

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	<p>44 Quansford Avenue Northampton NN5 6JU Tel: 01604 644108 Mob: 07730 215008 e-mail: info@able-design.co.uk</p>																		
<table border="1"> <tr> <th>Rev.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>A</td> <td>ORIGINAL ISSUE</td> <td>23/02/08</td> </tr> </table>	Rev.	Description	Date	A	ORIGINAL ISSUE	23/02/08	<table border="1"> <tr> <td>Client:</td> <td>ADDA DAINI CENTRES LTD</td> <td>Issue program:</td> <td>FOR INFORMATION</td> </tr> <tr> <td>Site:</td> <td>92 - 94 BONGOLK HIGH STREET LONDON</td> <td>Rev./Job No.:</td> <td>SOUTHWARK</td> </tr> <tr> <td>Title:</td> <td>AGC3 GROUND FLOOR PLAN</td> <td></td> <td></td> </tr> </table>	Client:	ADDA DAINI CENTRES LTD	Issue program:	FOR INFORMATION	Site:	92 - 94 BONGOLK HIGH STREET LONDON	Rev./Job No.:	SOUTHWARK	Title:	AGC3 GROUND FLOOR PLAN		
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GROUND FLOOR PLAN

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Rev	DESCRIPTION	Date					
1	ORIGINAL ISSUE	23/02/08					



GROUND FLOOR PLAN

<p>Distribution List</p> <p>Open</p> <p>Licensing Sub-Committee</p>	<p>MUNICIPAL YEAR 2009-10</p> <p>Date of Meeting: 17.06.2009</p> <p>Time: 2.00pm</p>
<p>Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p>Councillors (1 Copy Each)</p>	<p>Applicants and Interested Parties</p>
<p>Councillor David Hubber Councillor Robin Crookshank-Hilton Councillor Jelil Ladipo</p> <p>Councillor Sandra Rhule (Reserve)</p> <p>Officers</p> <p>Kristie Ashenden – Licensing Unit Deborah McCallum – Legal Service Maureen Ogbu – Legal Services Dennis Sangweme - Planning</p> <p>Ward Councillors – Cathedrals</p> <p>Councillor David Noakes Councillor Adele Morris Councillor Danny McCarthy</p> <p>Observers</p> <p>Councillor Ian Wingfield Councillor Eliza Mann Councillor Abdul Mohamed</p> <p>Total Copies to be printed: 25</p> <p>PLEASE BRING YOUR PAPERS TO THE MEETING.</p>	<p>Frankice Ltd, Unit 3 Otterspool Way, Watford WD25 8HL</p> <p>Agora, 92-94 Borough High Street, London SE1</p> <p>Dave Franklin, Licensing Unit</p> <p>Total copies to be circulated: 17</p> <p>All spares to be delivered to Constitutional Team.</p> <p>Day of Despatch 09.06.2009</p>