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1. THE APPLICATION

On 26 March 2021, Chongie Entertainment Limited (“the applicant”) submitted an application under the Gambling Act 2005 for an adult gaming centre to be granted in respect of the premises known as Little Vegas 141-143 King Street London W6 9JG.

1.1 Application Requested

The applicant has applied for a new adult gaming centre (AGC) premises licence, to make gaming machines available for use on the premises.

If the licence is granted the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. A summary of gaming machine and entitlements can be seen on page 157 of this report.

Hours open to public:

Monday to Sunday

00:00 - 00:00

A copy of the application and plans can be seen on pages 93-99 of this report.

2. BACKGROUND

The main access to the premise’s unit will be located on King Street. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 113-114 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the King Street area. Hammersmith tube station is a 7-minute walk away and Ravenscourt Park tube station is a 6-minute walk away.

3. CONSULTATION

A public notice was displayed at the premises for 28 days. The application was advertised in a local circular and all statutory consultees were notified as required by the Regulations. The Council has served written notice of hearing upon the applicant and all those parties that have made representations in respect of the application.

3.1. Relevant Representations

Representations were received against the application from Cllr Murphy, Cllr Quigley, the Police and the Planning Authority. A copy of these representations can be seen on pages 115-120 of this report.

Representations have to be based on one or more of the three licensing objectives: -

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

4. OTHER INFORMATION

4.1 Enforcement History

There have not been any warnings, simple cautions or prosecutions given in respect of the premises during the past twelve months.

5. POLICY CONSIDERATIONS

5.1 Section 15.1 page 19 of the Gambling Policy states that when deciding applications for a premises licence for these premises, the Licensing Authority will consider the need to protect children and vulnerable people from harm or being exploited by gambling. The Licensing Authority will expect the applicant to satisfy them that there will be enough measures in place to meet this licensing objective. Appropriate measures could include training for staff on how to deal with suspected truanting school children on the premises or how to recognise signs of potential child sexual exploitation.

5.2 Section 15.2 page 19 of the Gambling Policy states that the Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of the Gambling Policy that can be seen on pages 121-156 of this report.

5.3 Section 15.3 page 20 of the Gambling Policy states that the Licensing Authority will consider the guidance issued by the Gambling Commission and will take into account the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face transaction.

5.4 Section 15.4 page 20 of the Gambling Policy states that providing the Licensing Authority with details of where a child or young person repeatedly attempts to gamble on their premises may provide the Licensing Authority with an opportunity to consider safeguarding concerns. The Licensing Authority continues to raise awareness in cooperation with the Metropolitan Police of child sexual exploitation, via Operation Makesafe, amongst the business community. To date, efforts have been focussed on providing awareness to hotels, taxi companies and licensed premises.

5.5 Section 15.5 page 20 of the Gambling Policy states that larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

6 OBSERVATIONS

6.1 The Licensing Authority must under Section 153(1) of the Act exercise its functions relating to premises licensing with an aim to permit the use of the premises for gambling in so far as it thinks fit and in accordance with the relevant codes of practice, guidance, reasonably consistent with the licensing objectives and in accordance with the Council's Statement of Gambling Principles.

The Licensing Authority can take into account a representation relating to an application for a premises licence from either an interested party or a responsible authority (Licensing Authority, Gambling Commission, Police, Fire Authority, Environmental Health and HM Revenue and Custom). Any representations must be relevant and not frivolous or vexatious.

The Act, via regulations, also imposes mandatory and default conditions that promote the licensing objectives. A premises licence issued by the Authority will be subject to the mandatory and default conditions for that licence type. However, paragraph 9.27 of the Gambling Commission's Guidance to Local Authorities (5th edition, published September 2015) ("the Guidance") states; "Section 169 of the Act gives licensing authorities:

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

6.2 Please note that the Act sets out certain matters that may not be the subject of conditions. The relevant sections are:

- Section 169(4) – Prohibits the Licensing Authority from imposing a condition on the premises licence which makes it impossible to comply with an operating licence condition.
- Section 172(10) – Provides that conditions may not relate to gaming machine categories, numbers, or method of operation.
- Section 170 – Provides that membership of a club or body cannot be required by attaching a condition to the premises licence. The Act 1 Section 153 states that the Licensing Authority should aim to permit the use of premises for gambling, subject to its view as to whether to do so is: a) In accordance with relevant codes of practice issued by the Gambling Commission; b) In accordance with the guidance issued by the Gambling Commission; c) Reasonably consistent with the licensing objectives; and d) In accordance with the three year statement of licensing principles published by the local authority. Page 4 of 10 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- Section 171 – Prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

6.3 The information below also relates to relevant points in the Guidance the committee may wish to consider.

Paragraph 21.2 states: ‘No-one under the age of 18 is permitted to enter an AGC. The Act sets out offences at s.46 and s.47 of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. In addition, Social Responsibility (SR) code 3.2.3(3) in the Licence Conditions and Codes of Practice (LCCP) states that ‘licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling’

Paragraph 21.3 states: ‘Licensing authorities will wish to have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. This may be of particular importance in areas where young people may be unsupervised for example, where an AGC is in a complex, such as a shopping centre or airport. Licensing authorities should consider whether their statement of policy can be used to reflect such locally based considerations.’

Paragraph 21.7 states: ‘.....Part 9 of this Guidance discusses the mandatory and default conditions that attach to premises licences. Currently there are no default conditions specific to AGC.’

7. DETERMINATION

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

1. Grant the application
2. Refuse the application

Mandatory conditions to be attached to every premises licence

The following conditions shall be attached as mandatory conditions to every premises licence if granted:

- 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 a 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.

Mandatory conditions for AGC’s

- 1) A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.

- 2) There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit. (England and Wales only). There is no definition of 'direct access' in the Act or regulations, although licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.
- 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) The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. Additionally, in Scotland the sale of alcohol on the premises is specifically prohibited. A notice stating this should be displayed in a prominent place at every entrance to the premises.